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LOK SABHA DEBATES

(Fifth Session)

(*Vol. XIX contains Nos. 11-20*)

LOK SABHA SECRETARIAT
NEW DELHI

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LOK SABHA

Wednesday, 27th August, 1958

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Mr. Speaker: The House will now take up questions Shri V C Shukla—absent. Shri Shree Narayan Das—absent.

Shri Joachim Alva: Sir, before you call upon the next question, may I make this submission to you regarding these questions relating to border disputes and firing in the border: Nos 563, 569, 598, and 608 In view of the forthcoming talks between the hon Prime Ministers of Pakistan and India, in order to create a better atmosphere, these questions may be postponed and may not be put today May I ask your indulgence to see that these questions are neither put nor answered?

Mr. Speaker: The hon Prime Minister knows it better than any hon Member.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I have no objection, either way. The facts stated in answer to these questions have really been stated previously in the House in the course of the statements or debates; there is nothing new in these. It is not so much the facts stated in answer to these questions but possibly if any adverse remarks are made in the course of the supplementaries it may perhaps not have a pleasing effect on others But I have no objection either way

Mr Speaker: Normally we do not disturb the business, we shall get along But I request the hon. Members, in view of what has been stated here, to be a little cautious and not to put questions which may disturb any possible reconciliation

Shri D. C Sharma: What is the decision, Sir?

Mr. Speaker: The decision is to go on with this The hon Members should be careful not to put questions which might provoke one side or the other

Indo-Pakistan Border Dispute

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*563. **Shri Vasudevan Nair:**
Shri Ram Krishan:
Shri D. C Sharma:
Shri N R. Muniswamy:
Sardar Iqbal Singh:
Dr. Ram Subhag Singh:
Shri Hem Raj:

Will the **Prime Minister** be pleased to state·

(a) whether it is a fact that Pakistani troops opened fire across the border on workers in Madanpur tea gardens and at Mahishashan during the first week of June, 1958,

(b) if so, the number of the persons killed and injured; and

(c) the action taken by Government in this respect?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika): (a) No, Sir There was no firing during this period. Previous to June, however, there was firing by Pakistani forces on several occasions.

(b) and (c). Does not arise.

Mr. Speaker: Nobody puts a supplementary question? Next question.

Shri D. C. Sharma: No supplementary today.

Antibiotics

*564. **Shri V. P. Nayar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that antibiotics imported into India are sold to consumers at exorbitant cost; and

(b) what are the landed costs of imported Penicillin, Streptomycin, Tetracyclin and what are the average prices charged in retail?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). No, Sir. Antibiotics are mainly imported in bulk by the formulating units for manufacture of finished preparations. Processing and various other charges are incurred before they can be made available in retail to consumers. The statistics and actual figures about the different costs and retail prices are being collected and will be laid on the Table of the House.

Shri V. P. Nayar: Is it not a fact that penicillin is imported in bulk at the rate of about 30 nP per mega unit and it is sold at Rs. 1·25 in retail?

Shri Manubhai Shah: The figures are approximately correct. The landed cost c.i.f. comes to 34 nP. Then there is the import duty and port charges which takes it to about 43 nP. As I mentioned in the answer the entire break-up of the different processing charges—the imported penicillin is crude, it is refined and then vialled and then the retail cost is made out—will be laid on the Table of the House. But I can assure the House that there has been no extraordinary imposition of burden between the wholesale or bulk prices and consumer prices.

Shri V. P. Nayar: Is it a fact that of late the prices of antibiotics have increased considerably in the retail market? What steps have the Government taken to prevent such an increase in the prices of these vital, life-saving medicines?

Shri Manubhai Shah: As far as antibiotics are concerned, the prices of penicillin and streptomycin have not increased. As a matter of fact, Hindustan Antibiotics have recently cut their own prices to some extent.

Shri V. P. Nayar: I do not refer to penicillin alone. I am referring to auromycin and tetracyclin and other things.

Shri Manubhai Shah: As far as the other antibiotics, which are neither manufactured in the country nor imported in bulk, are concerned, it is true that their prices have gone up to some extent due to the scarcity of foreign exchange.

Shri V. P. Nayar: May I know to what extent the prices have gone up in respect of antibiotics other than penicillin and streptomycin?

Shri Manubhai Shah: As far as auromycin is concerned, the price has risen at some places by about 20 per cent. There again, as I have promised, a full break-up will be laid on the Table of the House.

Salt Industry

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*566. { **Shri Vasudevan Nair:**
Shri V. P. Nayar:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the Central Board for Salt have submitted a scheme to Government for the development of salt industry and also for promoting the welfare of the people engaged in this industry; and

(b) if so, the details of the scheme?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A statement is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 21.]

Shri Vasudevan Nair: May I know whether any attempt has been made to fix the basic or minimum wage for the workers employed in this industry?

Shri Manubhai Shah: In some States they have the Minimum Wages Act applied to the salt labour but it is not so in all the States.

Shri V. P. Nayar: What is the total number of workers employed in the salt industry and the average minimum wage fixed in the States to which the hon. Minister made a reference?

Shri Manubhai Shah: The total employed including the distributing agencies is about 4·5 lakhs of people. As far as wages are concerned, as I said in my earlier answer, in some States the minimum wage ranges from Rs. 1-2-0 to Rs. 1-14-0. It is so in the other States where the Minimum Wages Act has not been made applicable.

Shri Tangamani: May I know whether the Central or the regional Salt Advisory Board had submitted any welfare scheme for the workers? What action has been taken for implementing those schemes either by the Central Government or the State Governments?

Shri Manubhai Shah: That is precisely the function of these boards as I have mentioned in the statement laid on the Table of the House. The schemes for developmental works and various other activities will cost Rs. 42 lakhs during the current year.

Barter Deal with the U.S.A.

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*567. **Shri D. C. Sharma:**
Shri Wodeyar:
Shrimati Renu Chakravartty:
Sardar Iqbal Singh:
Shri Ram Krishan:
Shri Damani:

Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 1340 on the 31st March, 1958 and state:

(a) whether the proposal for the bulk sale of manganese ore to the U.S.A. against the import of wheat has since been finalised; and

(b) if so, the details thereof?

The Minister of Commerce (Shri Kanungo): (a) No, Sir.

(b) Does not arise.

Shri D. C. Sharma: May I know what has happened with this barter deal and why has it not come of?

Shri Kanungo: It is being discussed; it is rather a ticklish problem and it takes time.

Shri D. C. Sharma: By what time are the final arrangements supposed to be made?

Shri Kanungo: I cannot forecast.

Shrimati Renu Chakravartty: How long have these discussions been taking place and what exactly is the difficulty that is standing in the way of its finalisation?

Shri Kanungo: Discussions have been taking place for more than six months. The difficulties are the acceptability of the quality of the goods which we want to offer and the prices.

Shrimati Renu Chakravartty: May I know whether it is a fact that the U.S. Commodity Credit Corporation has asked a particular sub-committee of the administration to look into the quality of the ore and has that committee submitted its reply?

Shri Kanungo: We have submitted whatever information was asked for; we have no information what their Corporation has asked the committee to do.

Shri Jaipal Singh: Could we have more light thrown on the ticklish nature of this problem? He said that it was a ticklish problem.

Shri Kanungo: I explained that.

Mr. Speaker: The hon. Member may put another question.

Shri Kanungo: The quality and acceptability of the goods and prices—these are the problems.

Shri Tyagi: Is there no possibility of our bargaining for ferro-manganese instead of manganese ore?

Shri Kanungo: We are trying to sell manganese as much as possible and also ferro-manganese but production is not enough.

Shri Tangamani: Yesterday, in reply to starred question No. 514, it has been stated that a certain agreement has been reached about the quantity of import which we are going to receive and that we are not certain about the quantity of manganese we will be able to export. In view of that may I know how much are we going to export and whether any agreement has been reached on this?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): I would like to inform the House that this matter has been under consideration for some time and a broad understanding has been arrived at but no formal agreement has yet been concluded. On 31st July, the representatives of U.S. Commodity Credit Corporation visited Delhi and they had negotiations with the representatives of the S.T.C. and the Ministry of Food and Agriculture. No agreement has yet been arrived at but they have discussed the matters and we are awaiting their reactions.

Shri Dasappa: At what price the State Trading Corporation is purchasing this manganese and what is the offer from America?

Shri Kanungo: The S.T.C. purchases the manganese paying according to the quality; it varies from destination to destination. As regards the offer from U.S. we have not got it yet.

Shri Dasappa: May I also know why it is that we are trying to have this barter transaction instead of having a transaction independently? We can sell our manganese ore and from that foreign exchange we can buy whatever we want.

Shri Kanungo: As the hon. Member is aware, for the last one year there has been a recession in the demand for manganese all over the world.

Shri C. R. Pattabhi Raman: Are these barter negotiations confined only to manganese, or other items like mica are also being taken up?

Shri Kanungo: At present the discussions are confined to manganese of various grades and of ferro-manganese.

Radioactivity in Plants

*568. **Shrimati Ila Palchoudhuri**: Will the **Prime Minister** be pleased to state:

(a) whether the Government of India's attention has been drawn to the report appearing in *The Statesman* dated the 2nd June, 1958 in connection with finding of radioactivity in plants by Dr. Eville Gorham, a British scientist;

(b) whether any such investigation has been carried on by Indian scientists; and

(c) if not, whether Government would take steps to do so?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Yes.

(b) and (c). The Health Physics and Biology Divisions of the Atomic Energy Establishment, Trombay, are greatly interested in the problem and will be undertaking in due course a programme of investigations concerning radioactivity in plants and plant products.

Shrimati Ila Palchoudhuri: Since the experiment in England was based on the ash derived from plants that were taken before 1947, have we, a sort of, made out some area from where we will take plants and see if the radioactivity is greater in those areas so that the people may be warned not to eat those things or to see that the cattle may be saved?

Mr. Speaker: That is a suggestion as to how they are to make experiments.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): We are not aware, so far as I know, of any particular area in India which is more affected by radioactivity, and I am not aware also of any ashes being brought from other countries. The plants in the country are being examined from that point of view. I believe that a beginning has been made with samples of grass from various parts of the country. Thus far the radioactivity on these samples is insignificant.

Pakistan Armed Police attack on Indian Police near Fazilka

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*562.
Shri D. C. Sharma:
Shri Rameshwar Tantia:
Shri Vajpayee:
Shri U. L. Patil:
Shri Kumaran:
Shri N. R. Munisamy:
Sardar Iqbal Singh:
Shri Ram Krishan:
Shri Ajit Singh Sarhadi:
Shri Naval Prabhakar:
Shri M. C. Jain:
Shri Bibhuti Mishra:
Shri Khushwaqt Rai:
Shri S. M. Banerjee:
Pandit D. N. Tiwary:
Shri Damani:
Shri Ghosal:
Shri Sarju Pandey:
Dr. Ram Subhag Singh:
Shri Daljit Singh:
Shri Shivananjappa:
Shri Radha Raman:
Shri Bishwanath Roy:
Shri Hem Raj:

Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that the Pakistani armed police made an attack on the Indo-Pakistan border at the Amruka irrigation canal in Punjab;

(b) whether it is also a fact that as a result of this attack seven Indian policemen were killed and several others were injured;

(c) if so, whether any protest was made to Pakistan and any compensation claimed and with what result;

(d) whether a joint enquiry has also been ordered into this incident; and

(e) if so, the result of enquiry?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):

(a) Yes, Sir.

(b) Yes, Sir.

(c) Emphatic protests have been lodged with the Pakistan Government, asking for full compensation for the loss of lives. The matter is still under correspondence with the Pakistan Government.

(d) and (e). Yes, Sir. A joint enquiry was held by the Commissioner, Jullundur Division, representing India, and Commissioner, Multan and Bahawalpur Divisions, representing Pakistan. The two Commissioners, however, failed to arrive at an agreed conclusion. Our Commissioner came to the conclusion that this cold-blooded action was the result of a calculated plan by the Pakistani border police.

Mr. Speaker: We will go to the next question.

Shri S. M. Banerjee: May I put one supplementary?

Mr. Speaker: I thought that there won't be any supplementaries.

Shri D. C. Sharma: No supplementaries, Sir.

Mr. Speaker: All right. We will go to the next question.

Villiers Colliery, Talcher

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*570. { **Shri Bose:**
Shri Panigrahi:

Will the Minister of **Labour and Employment** be pleased to state:

(a) whether the management of the Villiers Colliery in Talcher in Orissa has refused to allow the workers to work in the colliery from the 29th May, 1958;

(b) for how long the current wages of workers have remained unpaid in the said colliery; and

(c) the action taken by Government in the matter?

The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra): (a) Yes.

(b) *Weekly paid staff* from week ending 27-9-57 to 29-11-57 and from 21-2-58 onwards.

Monthly paid staff from February 1958.

(c) Four applications have been filed with the appropriate authority under section 15 of the Payment of Wages Act.

Shri Bose: May I know whether a regular lock-out was declared before the workers were disallowed to work in the mines?

Shri L. N. Mishra: No, Sir; no lock-out was declared before the mines were closed.

Shri Panigrahi: Since for the last three months the employer has closed the mines, may I know what steps Government has taken to see that the mines open and the workers are re-employed?

Shri L. N. Mishra: The mines are closed. I have already stated that applications are pending under the Payment of Wages Act. In some cases judgments have also been delivered and orders have been passed for making payments, but the management has taken recourse to further appeal to High Courts to get the orders cancelled. There are other cases pending, and the court has already ordered for confiscation of properties in some cases and efforts are being made to get the payment made.

Shri Panigrahi: My question was, what steps Government has taken to see that the mines open.

The Deputy Minister of Labour (Shri Abid Ali): We are having discussions with the Government of Orissa and the representatives of the three organisations of the workers to examine the possibility of reopening the mines, and the negotiations have made substantial progress.

Shri Mahanty: In view of the fact that the National Coal Development Corporation is now prospecting virgin coalfields, may we know what steps the Government of India have taken for reopening the mines which were functioning till the other day?

Shri Abid Ali: I have already replied that question.

Shri Mahanty: May I ask an assurance, Sir, as to how long it will take . . .

Mr. Speaker: We do not ask for assurances here.

Shri Bose: May I know the quality of the coal and the quantity remaining still in that particular mine?

Shri Abid Ali: The quality is good, and the quantity is substantial.

Shri T. B. Vittal Rao: Some months ago, the Orissa State Government requested the Central Government to take over the mines and work them under the National Coal Development Corporation. At what stage is that proposal? May I know whether the State Government's request was rejected?

Shri Abid Ali: That proposal was not considered to be practicable.

Shri Tangamani: In reply to the main question it was stated that claims have been filed under the Payment of Wages Act. Because the mines have been closed, may I know whether the workers have received compensation?

Shri Abid Ali: The workers have not received their current wages; then where is the question of compensation?

Shri Panigrahi: During the last three months the employer has closed the mines. May I know what positive steps the State Government has suggested or the Union Ministry is taking to see that for these three months also the workers get their dues. apart from the current wages for which cases are pending?

Shri Abid Ali: We have already stated what we are doing in this matter.

Mr. Speaker: They have gone to courts.

Shri T. B. Vittal Rao: May I know what specific reasons have been put forward by this company for closing the mines?

Shri Abid Ali: Financial difficulties.

Cess on Tea Exports

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*578. { **Shri Supakar:**
Shri Hem Barua:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that some concessions in cess levied on tea exported outside India have been granted with effect from the 1st June, 1958;

(b) if so, how far it has stimulated exports of tea; and

(c) the steps taken by Government to provide a greater quantum of relief to 'common teas' besides the reduction in excise duty on teas which are not used in the manufacture of packaged tea?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Yes, Sir.

(b) It is too early to assess the effect of the reduction of export duty on exports of tea.

(c) The matter is under consideration.

Shri Supakar: May I know by what amount the export is likely to go up; has any estimate been made?

Shri Satish Chandra: No estimate can be made. I have already stated, in reply to the question, that it is too early to assess the effect of reduction in duty on exports of tea

Shri Hem Barua: In view of the fact that after the International Tea Agreement ceased to exist Indian teas are forced to enter into serious competition in the world market with the rest of the world who do not have to pay any export duty, may I know if Government propose to examine the question of our export duty in the light of this fact?

Shri Satish Chandra: In reply to part (c) of the question, I have already said that the matter is under consideration.

Shri Ramanathan Chettiar: In view of the tea exports having come down by Rs. 28 crores during the last two months, may I know what steps Government will take....

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): I think the hon. Member is mistaken. In fact, during the last two months which he has referred to, the exports of tea have gone up. I have not got the exact figures with me, but it has gone up considerably during the last month.

Shri Ramanathan Chettiar: I am sorry; in the first two months of this year it has come down by Rs. 28 crores.

Shri Satish Chandra: I may say that the exports during the first six months of 1958 were 190 million pounds as against 174 million pounds during the first six months of 1957.

Shrimati Ila Palchoudhuri: Has any study been made as to why in U.K., which is the largest importer of Indian tea, we have lost some of our markets and exports have certainly gone down in the past six months?

Shri Satish Chandra: There has not been any loss of markets in U.K. It is by far the largest purchaser of Indian tea, and it continues to import the largest quantity of Indian tea. There are fluctuations from year to year; perhaps, U.K. purchased very large quantities in the preceding year and there was accumulation of stock. It is true that there has been some competition from other countries for which some price adjustment has to be made in India and the question is under examination.

Shri Feroze Gandhi: May I know whether the Government have taken any decision with regard to the banning of the export of tea plant and tea leaves to East Africa and other countries because this is having a very adverse effect on the tea trade in India?

The Minister of Commerce (Shri Kanungo): Our planting material—

Shri Feroze Gandhi: Not planting material; but the plant and seeds.

Shri Kanungo: Yes; the plant and the seeds; that is what I mean by planting material. The planting material is allowed to be exported under restriction. As far as the deleterious effect on our tea trade is concerned, it is not as much as is feared.

Shri Heda: Apart from the immediate programme, are the Government having any programme or any plan on a long-term basis to accelerate our tea exports which were dwindling during the last few years?

Shri Satish Chandra: It is true. Last year, it was slightly less than during the year before last. But the average quantity of tea exported last year was more or less the same as was exported during the previous years. There has not been any decline in the average. The only thing is that, there were very large purchases during a particular year with which the hon. Member may compare the subsequent figures.

Shri Feroze Gandhi: The hon. Minister has now stated that the export of tea plant and tea seeds is not having any adverse effect on the tea trade here at present. In view of the fact that tea seeds take about 12 years to develop and grow, would it not have a bad effect upon our tea trade in the future?

Shri Kanungo: have mentioned that it is restricted. Whether further restrictions will be put or not is under consideration.

Shrimati Manjula Devi: May I know whether it is a fact that there is less demand for Indian tea in foreign countries because of its inferior quality?

Shri Satish Chandra: It is not so. I can say that Indian tea is very much in demand because of its quality. It is the price factor which comes in. In many countries, Indian tea—Assam tea and Darjeeling tea—is considered to be ideal, and they look forward to improving their quality to the same standard.

Shri Hem Barua: In view of the fact that Tripura is a major producer of common teas, and the tea estates there are suffering much due to various factors including heavy air freight, may I know what steps Government have taken to encourage the production of common tea there by reducing the air freight and making other concessions?

Shri Satish Chandra: Apart from Tripura, there are other regions like Cachar in Assam and some areas in the South and in Punjab where the same situation exists. The matter is being examined very thoroughly.

Prices of Patent Medicines and Baby Food

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*574. **Shri Anirudh Sinha:**
Shri Damani:
Sardar Iqbal Singh:
Shri Mohan Swarup:
Shri P. G. Deb:
Shri Subbiah Ambalam:
Shri A. K. Gopalan:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government are aware that due to import restrictions, the prices of patent medicines and baby food have gone high in the country in general and in the Capital in particular; and

(b) if so, what steps are proposed to be taken in the matter?

The Minister of Commerce (Shri Kanungo): (a) Yes, Sir.

(b) A close watch is kept on the price trends and remedial measures, if considered necessary, will be taken at the appropriate time depending upon the essentiality of the item.

Shri Anirudh Sinha: May I know the Government are aware that some doctors, in the name of patients, have indented baby foods from local manufacturers and thus it has fed the black-marketeers?

Shri Kanungo: It is a fortunate fact that the indigenous production of baby foods and milk powder is increasing. Whether the medical practitioners resort to this practice will be better known to the State Governments.

Shri Tridib Kumar Chaudhuri: May I know if Government have recently given permission to the manufacturers of Horlicks and Nestles Milk etc. to start a plant here to manufacture baby foods and milk powder?

The Minister of Industry (Shri Manubhai Shah): That is a fact. Recently we have approved five schemes—two Indian schemes and three foreign schemes—for manufacturing the entire range of baby foods.

Shri M. K. Krishna: May I know what is the quantity of baby foods that were allowed to be imported by the Canteen Stores Department for the defence personnel and whether any cut has been imposed on the import?

Shri Manubhai Shah: We have no figures for the Defence Canteen Stores. During the current year, about Rs. 40 lakhs worth of baby food has been allowed to be imported under the import policy.

श्री ग्रनिरुद्ध सिंह: क्या गवर्नमेंट के ध्यान में यह बात ग्राई है कि डिब्बों में बन्द फलों ग्रौर सब्जियों के दाम देशी निर्माताग्रों ने विदेशी प्रतियोगिता के ग्रभाव में इतने बढ़ा दिये हैं कि जनसाधारण को बड़ी दिक्कत हो गई है ? यदि हां, तो सरकार इसके बारे में क्या कुछ करने का सोच रही है ?

वाणिज्य तथा उद्योग मंत्री (श्री लाल बहादुर शास्त्री): यह बात ठीक है कि इन दवाइयों इत्यादि के दाम कुछ ज्यादा बढ़ गये हैं ....

श्री ग्रनिरुद्ध सिंह: डिब्बों में बन्द फलों तथा सब्जियों के भी।

श्री लाल बहादुर शास्त्री: इन चीजों से इस सवाल का सीधा सम्बन्ध तो नहीं है। यह तो सिर्फ दवाइयों पर ग्रौर बेबी फूड पर सवाल है। सब्जियां वग़ैरह इसमें कैसे ग्रा सकती हैं, मैं नहीं समझ सका हूं। लेकिन जहां तक मैडिसिन तथा बेबी फूड वग़ैरह का ताल्लुक़ है, कीमतें कुछ ज्यादा बढ़ी हैं। दूसरे शहरों में भी मैं ने देखा है ग्रौर फिगर्स को भी कम्पेयर किया है लेकिन बहुत ज्यादा ग्रन्तर नहीं है। यह बात जरूर है कि दिल्ली में खास तौर पर कीमतें बहुत बढ़ गई हैं। जैसे ग्रभी मेरे साथी ने कहा कि हम पांच फैक्ट्रियां बनाने जा रहे हैं। एक दो पर तो काम करीब करीब पूरा हो चुका है। एक नाभा में होगी, दूसरी पटियाला में, ग्रौर

दोसरा अलीगढ़ में । उससे इसमें सहूलियत होगी । लेकिन मैं ने जो फिगर्स देखी हैं उनको देखने से पता चला है कि दाम बढ़े हैं दिल्ली में और मै समझता हूं कि कुछ खास कदम उस तरफ़ उठाने होंगे और हम लोग इस पर विचार करेंगे कि कौन से कदम उठायें जा सकते हैं ।

Shri Sadhan Gupta: May I know what was the total quantity of baby food imported into this country before these restrictions were imposed and in view of the fact that babies have very little choice in food, may I know whether a liberalisation of the import policy is being considered in this regard?

Shri Manubhai Shah: When there was no import restriction of a very rigid nature, the annual quantity imported was about Rs. 1,70,000 worth. Then there has been a recent cut of about 40 per cent. As I have already indicated, in the half year during the current year, about Rs. 40 lakhs worth of baby foods have been allowed to be imported. It is not possible to allocate more foreign exchange for baby food.

Manufacture of Sulpha Drugs

*575. **Shri T. B. Vittal Rao:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the present position of indigenous manufacture from the primary raw materials of the following Sulpha Drugs:

(1) Sulpha Analanude

(2) Sulpha Thivzob

(3) Sulpha Guivanidive

(4) Sulpha Merazine

(5) Sulpha Pyredive; and

(b) what is the position of foreign firms in their manufacture?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A note is placed on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 22.]

Shri T. B. Vittal Rao: From the statement, it is seen that no sulpha drug has been produced so far from the primary products. May I know when we can expect these drugs to be produced from the indigenous primary products here?

Shri Manubhai Shah: As I told the House the other day, we are currently negotiating with the Russian, American, British, German and Italian firms, and it is hoped that by the end of this year, practically all preliminary projects for the preparation of these drugs will be ready, and in the next three years, by the end of the Second Plan, or by the beginning of the third Plan, most of the products will be made in India from the intermediates, the basic and the primary raw materials.

Shri Tangamani: In the statement we find that there are now two important firms which are producing these sulpha drugs: one being a foreign firm and the other an Indian firm in collaboration with the foreign firm. May I know the names of these firms and the capacity which they are now having for the production of these drugs?

Shri Manubhai Shah: One is Atul, which is a combine with American Cynamide. The other is Mav and Baker. The capacity of Atul is 16,232 tons and that of May and Baker is about 36:7 tons.

Arrest of Sheikh Abdullah

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*576. { **Shri S. M. Banerjee:**
Sardar Iqbal Singh:
Shri Supakar:

Will the **Prime Minister** be pleased to state:

(a) whether India lodged a protest with the U.N. Security Council on the 11th June, 1958 against the letter sent on May 6 by the permanent representative of Pakistan to the U.N. to the

President of the Security Council on the arrest of Sheikh Abdullah; and

(b) whether copies of these letters will be laid on the Table?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Yes.

(b) Copies of the letters are laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 23.]

Shri S. M. Banerjee: In his letter dated 6th May, 1958, the representative has written:

> "the danger of exposure by tourists during the tourist season of the real happenings inside Indian occupied Kashmir. The experience of Mr. Ronald Sharpe, a New Zealand tourist, who recently visited Kashmir may be quoted in this connection. He says:
>
> 'Bakshi Ghulam Mohammed, the puppet Premier of Kashmir, who rules ruthlessly over the destiny of 4 million people with a strong Dogra army on the one side and...... .....'."

Mr. Speaker: What is all this?

Shri S. M. Banerjee: I want to know whether any protest has been lodged with the New Zealand Government from where a tourist has said........

Mr. Speaker: The hon. Member is using this forum for utilising such material. Some trash might have been said by somebody. Why should that be repeated here?

Shri S. M. Banerjee: It has been laid on the Table of the House. I am quoting from that.

Mr. Speaker: Has this opinion by some other person been placed on the Table?

Shri S. M. Banerjee: It is there in the letter of the Pakistan representative placed on the Table of the House today. I only want to know why he was allowed to say these things and whether we have protested against these unwarranted remarks.

Shri Sadath Ali Khan: We cannot attach any importance to what a private person says.

Shri S. M. Banerjee: He has said, the Kashmir Government is a puppet Government. Can we not do anything, Sir?

Mr. Speaker: It need not have been placed on the Table of the House.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The hon. Member is quoting from a letter which the Pakistan Government's representative sent to the U.N. to which we replied. At the request of the hon. Member, in answer to his question, we placed both the letters on the Table of the House. There are all kinds of statements made by the Pakistan representative; we are not responsible for it.

Shri S. M. Banerjee: My question is very simple....

Mr. Speaker: Everyone understands it; nothing more can be done.

Raja Mahendra Pratap: In view of the fact that Sheikh Abdullah agreed with my plan for Kashmir may I know when Sheikh Abdullah will be released?

Mr. Speaker: That does not arise out of this question.

Shri Hem Barua: In view of the fact that the adverse reports given against our country by tourists like Mr. Ronald Sharpe, who visit the State of Kashmir will be profitably used by the Pakistan permanent representative at the U.N.O., may I know what steps our Government have taken or what advice our Government have given to the State of Kashmir to see, control and regulate the tourist traffic in a way that might help build our interests rather than destroy them?

Shri Jawaharlal Nehru: The hon. Member may recollect that we do not function in an authoritarian way. We allow people, even our opponents, opportunities to go, see and express their opinions even against us.

Decoration of Public Buildings

*578. **Shri Radha Raman:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether the Advisory Committee for recommending specific works of arts for decoration of public buildings have made any recommendations;

(b) if so, the nature of the recommendations made by the Committee; and

(c) whether Government have taken any decision on those recommendations?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) Yes, Sir.

(b) The Committee has tentatively prepared a list of public buildings mostly in Delhi, which they recommend to be decorated, with paintings, murals, sculptures etc.

(c) No.

Shri Radha Raman: May I know whether this committee is authorised to mention also the funds that will be required in order to have these decorations and whether there is any allocation in the Five Year Plan or in the Housing Ministry's budget for this purpose?

Shri Anil K. Chanda: Naturally when the advisory committee sends its recommendations, it gives us an idea of the cost that will be involved. There is a sort of scale prescribed and we are expected to keep within that scale. But in the case of special circumstances, we can go beyond that.

Shri Radha Raman: May I know whether the Government is contemplating to employ or engage some of the artists in the country who are financially not very strong in order to have this project materialised?

Shri Anil K. Chanda: Yes, Sir; the scheme that is before us is only to be executed through Indian artists, and we will give preference to younger artists.

Shri Hem Barua: In view of the recommendations made by that committee to decorate the public buildings with paintings, etc., may I know whether they also recommend the doing away with unnecessary embellishments and appendages that are there?

Shri Anil K. Chanda: The committee is to recommend to Government the decoration of Government buildings and not doing away with what is there.

सेठ गोविन्द दास : जहां तक इन कलाकारों के चुनाव का सम्बन्ध है, क्या सरकार उन का चुनाव शान्ति निकेतन और काशी में जो कुछ बहुत प्रसिद्ध कलात्मक केन्द्र हैं इन सब गैरसरकारी संस्थाओं से भी पूछ कर करेगी ।

Shri Anil K. Chanda: This advisory committee has heads of principal art institutions in India. A representative of Shanti Niketan is also there.

Import of Fertilizers

*579. **Sardar Iqbal Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that North Korea has offered to supply fertilizers to India;

(b) if so, whether the offer has been accepted;

(c) whether an agreement has since been signed with North Korea in this regard; and

(d) if the reply to part (c) is in the affirmative, the main features of this agreement?

The Minister of Commerce (Shri Kanungo): (a) Yes, Sir. An offer for the supply of fertilizers was received from the people's Democratic Republic of North Korea.

(b) and (c). The matter is still under consideration.

(d) Does not arise.

Sardar Iqbal Singh: May I know the type of fertilizers offered by North Korea?

Shri Kanungo: They have offered ammonium sulphate to the tune of about 5,000 tons.

Sardar Iqbal Singh: May I know how the price of this fertiliser would compare with the price of indigenous production of fertiliser?

Shri Kanungo: It is not a question of comparison of prices; it is a question of availability, shipping and packing.

Shri Ramanathan Chettiar: In view of the fact that our country's requirements of fertilisers are not being met more than half, may I know what steps Government will take to import fertilisers from all sources, including North Korea?

Shri Kanungo: The import is severely restricted because of non-availability of exchange.

Rourkela Project

*580. **Shri Sanganna:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether it is a fact that an officer of the Government of India visited the Rourkela Project area in connection with the resettlement of the East Pakistan displaced persons and also to discuss the problem with the Government of Orissa in April, 1958; and

(b) if so, with what results?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): (a) and (b). Yes. It appeared that there were no immediate prospects for rehabilitation of displaced persons from East Pakistan there.

Shri Sanganna: May I know whether there is any scheme being worked out by the Government of West Bengal in Midnapur District to reclaim land from the swampy areas in order to accommodate displaced persons from East Pakistan and if so, to what extent the scheme can accommodate these persons.

The Minister of Rehabilitation (Shri Mehr Chand Khanna): This question relates to Orissa and my hon. friend has suddenly switched on to West Bengal. There is a scheme for the rehabilitation of some displaced persons and land to be reclaimed is in the district of Midnapur.

Mr. Speaker: We are going away from one specific question to a broader question regarding the resettlement of refugees. We should confine ourselves to Rourkela.

Shri Sanganna: This is a continuous process of the scheme that is being worked out. In that connection I have put this question.

Mr. Speaker: No. The question only refers to Rourkela.

Shri Tridib Kumar Chaudhuri: May I know if there is or there was any scheme of giving preference to East Pakistan refugees as unskilled labourers in Rourkela steel plant? Was there any talk like that?

Shri Mehr Chand Khanna: One of our officers had a discussion with the officials in charge of the Rourkela plant about this matter. They expressed every possible sympathy for the rehabilitation of displaced persons, but they are faced with two difficulties. The first is the local displaced population and then comes the local population. They have to be catered first before any refugees can be taken.

Shri Sanganna: May I know whether the special officer who went to the Rourkela project had any discussion with the Government of Orissa and if so, what was the result of the discussion?

Mr. Speaker: Regarding what?

Shri Sanganna: Regarding rehabilitation of the people in Rourkela project.

Shri Mehr Chand Khanna: The question of discussion with the State Government does not arise. The discussion took place between my officer and the officer in charge of the Rourkela plant.

Jute Industry

***581. Shri Tridib Kumar Chaudhuri:** Will the **Minister of Commerce and Industry** be pleased to state:

(a) whether the attention of Government has been drawn to a statement made to Press in Calcutta by the Indian Jute Mills Association on the 18th June, 1958 which among other things, mentioned that the recessionary trend in the U.S.A. had been reflecting in a weakening economy in the Jute industry markets generally and that the Jute Mills were at present faced with rapidly accumulating stocks of finished goods;

(b) whether Government have made any independent assessment of the position in this regard and ascertained what proportion of the accumulated stocks are due to weakening demand for Burlap from the U.S.A.; and

(c) how many jute mills have closed down on this account or any other account?

The Minister of Commerce (Shri Kanungo): (a) Government have seen the statement.

(b) Compared to previous years the accumulations have not been abnormal upto the end of April, 1858 The rise in stocks in May and June, 1958 was largely due to (i) sudden ban on imports of jute goods in Argentine, (ii) foreign exchange difficulties in Egypt, (iii) the dock strike and (iv) the recession in the U.S A. It is not possible to assess accurately the extent of the accumulation of stocks due to the recession in the U.S.

(c) None on this account. Eight mills have closed down since January, 1957 for other reasons.

Shri Tridib Kumar Chaudhuri: What is the annual demand of Burlap from the U.S.A. and what is the quantity that we have sold this year?

Shri Kanungo: In 1957 we sold 831 million yards. In 1958, up to May the despatch has been about 346 million yards.

Shri Tridib Kumar Chaudhuri: May I know whether Government has taken into account the fact that there is a general recession in the world market for agricultural goods and so the demand for Burlap and jute goods is bound to go down? Have they anticipated that position and, if so, what are the remedial measures that they are thinking of?

Shri Kanungo: There has been drought in various countries like Australia and this factor is likely to reduce the demand for Burlap. But Government are trying to explore new markets and to revitalise the existing markets as far as possible.

International Labour Conference

***583. Shri Ghosal:** Will the Minister of **Labour and Employment** be pleased to state what was the stand taken by the delegation of the Government of India in the expulsion of the Hungarian delegation from International Labour Conference?

The Deputy Minister of Labour (Shri Abid Ali): The Indian Government delegation voted against the expulsion of the Hungarian delegation.

Shri Ghosal: May I know the reasons for bringing this issue before the ILO, when Hungary is a member of the United Nations?

Shri Abid Ali: Some of the delegations objected to the Hungarian Delegation taking part in the ILO Conference and, therefore, the voting took place.

Shri Tridib Kumar Chaudhuri: May I know the reasons for some of the delegates objecting to the presence of the Hungarian delegation in the ILO Conference?

Shri Abid Ali: They said that the delegation did not represent the people as the present government there was not representative.

Springs of Brine

*586. **Dr. Ram Subhag Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that there are several springs of brine at and around Maigal near Mandi in Himachal Pradesh;

(b) if so, whether the capacity of brine flow has been assessed;

(c) if the answer to part (b) is in the affirmative, what is their average flow of brine per minute;

(d) how much of this brine is manufactured as salt; and

(e) how Government propose to utilize the entire resources of brine there for the manufacture of Salt?

The Minister of Industry (Shri Manubhai Shah): (a) and (b) Yes. Sir.

(c) 60 gallons per minute.

(d) About 5%.

(e) It is proposed to utilise increasing quantities of brine by means of a new set of condensers and crystallizers the construction of which is already in progress.

Dr. Ram Subhag Singh: The hon. Minister has stated that about 95 per cent of the brine is flowing into the Beas. May I know how soon the Government will be in a position to manufacture salt out of brine?

Shri Manubhai Shah: When the new condensers are installed the production will rise to 10,000 maunds from the present production of 2,100 maunds.

Import of Cotton

*588. **Shri Tyagi:** Will the Minister of **Commerce and Industry** be pleased to **state:**

(a) what was the total cost of cotton imported in 1957-58 and the quantity of cotton proposed to be imported in 1958-59 and 1959-60;

(b) what was the total quantity and value of coarse, medium, fine and superfine cloth produced last year and how much of each variety was exported out; and

(c) whether Government contemplate to make it incumbent on the importers of cotton to undertake export of cloth worth the price of cotton they are allowed to import?

The Minister of Commerce (Shri Kanungo): (a) to (c). A note giving the required information is laid on the Table of the Lok Sabha (*See* Appendix III, annexure No. 24.]

Shri Tyagi: On what grounds do Government justify the perennial loss of about Rs. 25 crores worth of foreign exchange on an avoidable luxury of providing fine and superfine cloths for consumption in India.

Mr. Speaker: What is the question? Is it the hon. Member's intention that we should not wear fine or super-fine cloth?

Shri Tyagi: From the statement it is apparent that the Government are importing foreign cotton every year with a view to manufacture fine and super-fine cloth for internal consumption. It is hardly used for export; it is only for internal consumption. I want to know how they justify in these hard days the loss of Rs. 25 crores of foreign exchange every year only for the sake of providing this luxury of using fine and super-fine cloth in India.

Mr. Speaker: The hon. Member will reserve this for the budget debate.

Shri Tyagi: My fear is that........

Mr. Speaker: Hon. Members can only ask questions for information; not raising questions of policy. If it is the suggestion of the hon. Member that hereafter we should wear only such cloth for which cotton is produced in the country, let us take up the question during the discussion of the Finance Bill and the budget.

Shri Tyagi: Is the foreign cotton imported into India used only for manufacture of cloth for local consumption?

Shri Kanungo: A portion of it is exported also. But the deciding factor in importing foreign cotton is the opening up of trade channels with the producing countries of long staple cotton. Unless we buy cotton from Egypt, Sudan and other countries, we cannot sell to them.

Shri S. M. Banerjee: May I know whether coarse and medium cloth are also finding a good market in foreign countries and, if so, whether their export will reduce our accumulated stock here?

Shri Kanungo: Now the total international trade in textiles is dwindling fast.

Shri Tyagi: My only regret is that the question that I wanted to put, you have not been pleased to permit me to put. Now I want to know the proportion of our trade with these Egyptian countries from which we import foreign cotton.

Shri Kanungo: I have not got the information. I will supply it to the hon. Member.

Mr. Speaker: Evidently, the hon. Member wants to know whether we cannot avoid the import of cotton by substituting our own cotton. Are any attempts made to find out whether long staple cotton can be grown locally?

Shri Kanungo: Efforts are being made to produce long staple cotton in our country and the progress has been fairly steady. At the moment we are producing one lakh and odd bales of long staple cotton as against nil immediately after partition.

सेठ गोविन्द दास : क्या यहां पर जितने लम्बे सूत की रुई का उत्पादन होता है उस के अनुपात में बाहर से जो रुई मंगाई जाती है, वह क्या कुछ कम हो रही है या वह अभी भी बढ़ रही है ?

श्री कानूनगो : हमारा उत्पादन जितना बढ़ता जायगा उतना ही वह कम होती जायगी । हमारा उत्पादन अभी ज्यादा नहीं बढ़ा है ।

Shri Tyagi: The volume of coarse and medium cloth which is exported outside India comes, in terms of rupees, to about Rs. 40 crores every year. May I know whether markets have been developed for these coarse and medium type of cloth in places other than Egypt and Sudan?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): Besides Egypt, there are other countries also to which we are exporting our medium and coarse cloth. I do not want to enter into policy questions. But I might, with your permission, ask Shri Tyagi: if the import of foreign cotton is banned or stopped, what will happen to the large number of mills which are manufacturing fine and super-fine cloth? We cannot stop this import immediately Our objective is to produce the raw material here in our country, but it will take some time. Immediate banning the import of foreign cotton will mean the stoppage of the mills in Bombay and Ahmedabad.

सेठ गोविन्द दास : क्या इस बात का कोई प्रयत्न हो रहा है कि जितना हम अच्छी कौटन का माल तैयार करते हैं वह अभी केवल कुछ थोड़े से देशों को जाता है, वह अन्य देशों में भी जाय और क्या इस प्रकार का कोई प्रयत्न हो रहा है और वे कौन से देश हैं जिन में कि इस कपड़े के भेजने का प्रयत्न हो रहा है ?

श्री कानूनगो : टैक्सटाईल एक्सपोर्ट प्रमोशन कौंसिल इसीलिये बनाई गई है और वह सब मुल्कों में निर्यात करने की चेष्टा कर रही है लेकिन हालत यह है कि इस साल चीन और जापान-ने-जो माल भेजा है उस की क़ीमत बहुत कम हो गई है और हमारी कीमत ज्यादा हो गई है ।

Trade with West Germany

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*589. { **Sardar Iqbal Singh:**
{ **Shri Biren Roy:**

Will the Minister of **Commerce and Industry** be pleased to state:

(a) the measures taken to reduce the gap in India's trade balance with West Germany during 1957-58, and

(b) the present position in regard to to our exports to and imports from West Germany?

The Minister of Commerce (Shri Kanungo): (a) Government have initiated a number of measures for expanding India's export trade to West Germany A statement indicating some of the principal steps which have been taken to increase exports is placed on the Table of the Lok Sabha [*See* Appendix III, Annexure No 25] It is expected that these measures and the steps which have been taken to curtail imports generally from all countries will narrow the gap in India's trade with West Germany

(b) India's exports to West Germany during recent months have declined slightly from the 1957 level Economic recession and the slowing down of industrial activity in Western Europe are believed to be largely responsible for this Imports from West Germany during this period have also declined and the gap is somewhat smaller than in earlier periods

Sardar Iqbal Singh: May I know how far these measures that have been taken so far have shown any result?

Shri Kanungo: It has not shown any marked result so far, but one point that I would like to be remembered is that our imports from West Germany have increased considerably. In fact, it has increased from Rs. 40 crores in 1954-55 to Rs. 124 crores in 1957-58 and it will continue for some time because we have to import heavy machinery equipment from West Germany.

Sardar Iqbal Singh: May I know whether the Trade Promotion Council has been set up in West Germany?

Shri Kanungo: It has not been functioning as yet It is likely to function very soon

Shri Tangamani: In the statement I find that the West German Government has also offered services of experts for assisting India for selling handloom goods. May I know how far the export of handloom has increased as a result of this?

Shri Kanungo: The experts from West Germany have not come here yet

Sardar Iqbal Singh: I find that the Handicrafts Board is establishing centres in West Germany May I know many centres have been established so far?

The Minister of Industry (Shri Manubhai Shah): Out of three centres, two are established and one is about to be established

Export of Powerlooms

*594. **Shri Raghunath Singh:** Will the Minister of **Commerce and Industry** be pleased to state

(a) whether it is a fact that Powerlooms have been shifted from Jammu and Kashmir State to the East Part of India, and

(b) if so, whether the Government of India have asked the State Government of Jammu and Kashmir not to issue any export permits in future for shifting of powerlooms from that State to any other State in India?

The Minister of Commerce (Shri Kanungo): (a) and (b) Yes, Sir

Aluminium Factory, Salem (Madras)

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*596. { **Shri Tangamani:**
{ **Shri Warior:**

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the French Experts have made a preliminary report on the prospect of Aluminium Factory at Salem (Mettur) in Madras State;

(b) if so, what steps have been taken for starting the said factory; and

(c) the progress made so far?

The Minister of Industry (Shri Manubhai Shah): (a) to (c) A statement is laid on the Table of the Lok Sabha [*See* Appendix III, annexure No. 26.]

Shri Tangamani: In the statement I find that a French concern has held a preliminary survey and the report has been submitted. They have also submitted a report on the bauxite resources in the Shevroy Hills. May I know when work on the proposed plant will commence?

Shri Manubhai Shah: As I have indicated in the statement, the party which is taking interest in setting up this plant has not yet submitted the proposals to us. As soon as the proposals are received by us, we will give the earliest consideration to them

Shri Tangamani: In the statement I find that certain private interests are also very much interested in this. Is it not true that more than two years have elapsed since this matter was referred to one of the industrialists in Madras, *viz.*, one of the Presidents of the South India Mill Owners Association? May I know why steps have not been taken for getting loan from this Government or from outside?

Shri Manubhai Shah: In the earlier stages, as the House is aware, this particular project was sought to be established in the public sector, but because of later developments and the stringency of resources we allowed the private party to take interest in this matter. The person, who is taking interest in it, has been to Italy. His experts have gone there and they are negotiating at the moment. There are very serious discussions going on and I hope that very soon they will submit a project report.

Shri Tangamani: Has the Government seen the Press report where the Madras Industries Minister has stated that a 10,000 ton plant will cost Rs. 12 crores and the foreign firms are now willing to collaborate with Indian enterprise and that the foreign exchange component will be supplied by them for buying machinery? May I know who is this foreign firm which the Madras Minister of Industry was talking of?

Shri Manubhai Shah: I myself have seen the Madras Minister's statement in papers on his return from European tour. When we got in touch with the Madras Government and pointed out to them that it is for the private party taking interest in the matter to approach the Government of India, the whole matter was clarified. It was under some misunderstanding that the Madras Minister said that they would like to know whether it is to be put up by the Central Government or the private party.

Shri Jadhav: May I know whether there is any likelihood of starting an aluminium factory in Kolhapur in Bombay State?

Shri Manubhai Shah: There does not seem to be much expectation of that in the near future

Shri Tangamani: From the statement I find that the internal capital for this plant is Rs. 4 crores. What steps have the Government taken for raising these internal resources?

Shri Manubhai Shah: As I submitted, it is not for the Government of India to take steps. It is for the private party to submit a project report for our consideration and it is for him to make available the Indian rupee as well as the foreign exchange. If it falls within the normal terms of foreign exchange availability, we shall approve the scheme.

Central Labour Institute, Bombay

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*597. { **Shri Subodh Hansda:**
Shri S. C. Samanta:

Will the Minister of **Labour and Employment** be pleased to refer to the reply given to Unstarred Question No. 1853 on the 31st March, 1958 and state:

(a) whether the construction of the new building for Central Labour Institute, Bombay has since been started; and

(b) if so the progress made up-to-date?

The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra):

(a) Not Yet.

(b) The Central Public Works Department has prepared estimates for the construction of the building, which are being scrutinised.

Shri Subodh Hansda: What is the total amount set apart for the construction of this building?

Shri L. N. Mishra: About Rs. 27 lakhs.

Shri Subodh Hansda: When will this construction start?

Shri L. N. Mishra: This year, we hope.

Border Incident

*598. { **Shri Sadhan Gupta:**
Shri N. R. Munisamy:

Will the **Prime Minister** be pleased to state:

(a) whether two incidents occurred on the 27th May, 1958, at Chapra under the Gongra Border out-post in Nadia District and Rajanagar and Munishipara under the Raninagar Police Station in Murshidabad District in West Bengal, in which Indian nationals and cattle were carried away by armed Pakistani Policemen;

(b) if so, the details of the incidents;

(c) whether any of the Indian nationals has since been released or any of the cattle recovered;

(d) whether the Pakistani authorities have been approached with a view to prevent recrudescence of such incidents in future; and

(e) if so, with what result?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). Yes, Sir.

Sixty Pakistani nationals trespassed into Indian territory at Gongra, P.S. Chapra, district Nadia and lifted 20 head of cattle, after assaulting an Indian cowherd.

The second incident occurred at Char Rajanagar and Munshipara, P.S. Raninagar, district Murshidabad. Five Pakistani Armed Constables, accompanied by 20 Pakistanis, trespassed into Indian territory and kidnapped three Indian nationals along with 180 head of cattle valued at about Rs. 20,000

(c) to (e). The kidnapped Indian nationals however escaped from the custody of the Pakistan Policemen. One of them has since returned to India but the whereabouts of the two are not yet known None of the cattle involved in the two incidents, has yet been recovered or restored Protests were lodged with Pakistan authorities and Government but no satisfactory answer has as yet been given.

Shri Sadhan Gupta: In view of the fact that it is impossible to provide adequate security to our citizens on the border merely through Police and military forces, may I know if the Government considered the advisability of organising armed resistance groups of local people in order to withstand these kinds of raids?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I do not think that the organisation of such groups is desirable in those areas I do not rule it out everywhere. We must keep this fact in mind that this kind of raid and lifting of cattle is rather of the theft and dacoity type. We must not consider it as a kind of invasion from the other country. Groups of people take advantage of insecure conditions and lift cattle and go over. Naturally, they should be prevented and the local people should be stout enough with the help of such Police and prevent it. But, for us to organise resistance groups in villages of this type may lead to organisation on the other side and talks of conflict.

WRITTEN ANSWERS TO QUESTIONS

Export of Iron Ore

***561. Shri V. C. Shukla:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 2165 on the 8th April, 1958 and state:

(a) whether the balance of the contracted Iron Ore for 1957-58 has since been supplied to the Japanese Steel Mills by the State Trading Corporation of India (Private) Ltd.;

(b) if not, the reasons therefor; and

(c) the loss, if any, involved therein?

The Minister of Commerce (Shri Kanungo): (a) and (b) 1·19 million tons, have been shipped till end of July, 1958 against the contract of 1·3 million tons of iron ore with the Japanese Steel Mills Vessels have been fixed to lift the balance quantity within the next few days.

(c) Does not arise.

Extradition Treaty with Burma

***562. Shri Shree Narayan Das:** Will **the Prime Minister** be pleased to refer to the reply given to Starred Question No. 894 on the 9th August, 1956 and state:

(a) whether any Extradition Treaty with the Government of Burma has since been concluded;

(b) if so, whether a copy of the Treaty would be laid on the Table; and

(c) if not, at what stage the matter stands at present?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) No.

(b) Does not arise.

(c) The question of concluding an Extradition Treaty with the Government of Burma will be taken up as soon as the new Extradition Bill, which is under consideration, is passed into law.

Displaced Families in Gur-ki-Mandi

***571. Shri Muhammed Elias:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether Government are aware that there are about 500 displaced families living in the kutcha houses in Gur-ki-Mandi on G.T. Road in Delhi;

(b) whether there was any proposal for providing built-up accommodation on the site for those families after demolishing their kutcha houses;

(c) if so, the number of kutcha houses demolished and the number of new houses built and allotted; and

(d) the number of houses still to be built and the reasons for the delay in constructing them?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) Yes. According to a census taken in 1955, 517 families were living in kutcha houses there.

(b) Yes.

(c) 285 kutcha houses were demolished and 136 'A' type tenements were constructed and allotted to the eligible squatters of the area.

(d) This Ministry have no programme for further construction. The problem of providing more houses in this and other similar areas has now merged with general problem of housing, removal of congestion and slum clearance to be undertaken by Government in Delhi.

Documentary Films

*572. **Shri Kumaran:** Will the Minister of **Information and Broadcasting** be pleased to state the progress made by Government in their scheme to dub documentary films released by the Films Division in regional languages?

The Minister of Information and Broadcasting (Dr. Keskar): From May last, all documentary films are being dubbed in 12 regional languages, namely, Assamese, Bengali, Gujarati, Hindi, Kashmiri, Kannada, Marathi Malayalam Oriya, Punjabi, Tamil and Telugu

सामुदायिक रेडियो सेट

*५७७. श्री विभूति मिश्र : क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या एक निश्चित कालावधि में सब राज्यों के सब गांवों में रेडियो सेट लगाने की कोई योजना सरकार के सामने है ; और

(ख) यदि हां, तो उस की रूप-रेखा क्या है ?

सूचना और प्रसारण मंत्री (डा० केसकर) : (क) जी नहीं ।

(ख) प्रश्न नहीं उठता ।

Automobile Batteries

*582. { **Shri S. C Samanta**
Shri Rameshwar Tantia.

Will the Minister of **Commerce and Industry** be pleased to lay a statement showing:

(a) the names of factories which are manufacturing automobile batteries in India with their production capacity,

(b) whether India is self-sufficient with regard to automobile batteries;

(c) if so, whether the Indian automobile batteries have been exported, and

(d) how the quality of the Indian automobile batteries compare with those in the markets of South-East Asia?

The Minister of Industry (Shri Manubhai Shah). (a) A statement is laid on the Table of the Lok Sabha [*See* Appendix III, Annexure No 27]

(b) Yes Sir

(c) Yes, Sir

(d) The quality of batteries manufactured by some of the best manufacturers in India compares favourably with that of well known foreign brands

Claims of Displaced Persons

*584. { **Shri B. C Mullick:**
Shri Surendranath Dwivedy:

Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state

(a) the number of appeals received during 1957 against the decisions of the Claims Commissioners,

(b) whether any revision petition has so far been accepted

(c) the number of cases which have been rejected and

(d) whether all representations received by the Ministry are acknowledged?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna). (a) The Displaced Persons (Claims) Act 1950 expired on 17th May 1953 Even representations against the orders of the Claims Commissioners under Section 5(1)b of the Act read with Rule 18 of the Displaced Persons Supplementary Act, 1954 could not be entertained after April 30, 1954 No appeals were therefore entertained in 1957 and as such no record was maintained

(b) to (d) Do not arise

State Trading Corporation of India (Private) Ltd.

***585. Shrimati Renu Chakarvartty:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is any proposal to amend the articles of association of the State Trading Corporation of India (Private) Ltd. to widen its scope; and

(b) if so, what are the proposals?

The Minister of Commerce (Shri Kanungo): (a) and (b) A copy of the notice which was published in the leading news-papers regarding amendment of the Memorandum of Association of the State Trading Corporation is placed on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 28]

The question of amending the articles of association is still under examination.

Confiscation of Books in Pakistan

***587. Shri Shivananjappa:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that books, magazines and other documents including calendars and charts which depict Kashmir as a part of India have been confiscated by Pakistan Government; and

(b) if so, whether Government of India have protested against this?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Government have no information beyond a press report about an order issued by the Chief Commissioner of Karachi according to which such literature is liable to forfeiture by the Government of Pakistan.

(b) No protest against this order has been made. The Government of India's complaint about Pakistan aggression and the occupation of Indian territory of the State of Jammu and Kashmir is before the Security Council.

Territorial Waters

***590. Shri P. K. Deo:** Will the **Prime Minister** be pleased to refer to the reply given to Starred Question No. 671 on the 4th March, 1958 and state:

(a) whether report from the Orissa Government regarding fishing by the fishermen of East Pakistan in territorial waters of India along the Orissa coast has since been received; and

(b) if so, what steps Government have taken in this regard?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). Yes, Sir The report does not mention any incident about East Pakistan fishermen fishing in Indian territorial waters along the Orissa coast The State Government have, all the same, issued instructions to the authorities concerned to keep a vigilant eye on the boats entering its coastal waters for fishing.

Small Scale Industry in Bombay

***591. Shri Pangarkar:** Will the Minister of **Commerce and Industry** be pleased to state

(a) whether it is a fact that the Bombay Government have requested for increasing the State's quota of steel to meet requirements of the Small Scale Industries in the State; and

(b) if so, with what result?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) Steel for Small Scale Industries has been allotted on a *prorata* basis keeping in view the demand of each State. It is not possible to enhance the quota of the Bombay State unless the overall quota for Small Scale Industries is increased.

Export Promotion Council for Hosiery Goods

***592. Shri Vajpayee:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the steps taken to encourage the export of hosiery goods manufactured in India; and

(b) whether there is a proposal to set up an Export Promotion Council for the hosiery goods?

The Minister of Commerce (Shri Kanungo): (a) A statement is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 29.]

(b) Yes, Sir.

Workshop at Eattumanoor

*593. **Shri Maniyangadan**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Workshop proposed to be started under the Second Five Year Plan at Eattumanoor in Kerala has begun to function;

(b) if not, the reason therefor; and

(c) how long it will take to start functioning?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir. The Workshop has started functioning from the 2nd December, 1957.

(b) and (c) Do not arise

Labour Acts

*595. **Shri L. Achaw Singh**: Will the Minister of **Labour and Employment** be pleased to state·

(a) whether the Factories Act, Minimum Wages Act and other labour laws are in force in the Union Territory of Manipur;

(b) if so, whether rules have been framed by the Manipur Administration under these Acts; and

(c) if not, the reasons therefor?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes; the Factories Act, the Minimum Wages Act and a dozen other important labour laws are in force.

(b) The Manipur Administration have framed Rules only under section 112 of the Factories Act, 1948. The Rules framed by the Central Government also apply to union territories.

(c) Does not arise.

Escape of Naga Hostiles to Burma

*599. **Shri Hem Barua**: Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that quite a good number of hostile Nagas have escaped to Burma since the constitution of the new administrative unit;

(b) if so, their number and number of those who have been apprehended and repatriated to India by the Government of Burma; and

(c) the steps so far taken by Government to seal the Indo-Burma frontier against such infiltration?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika): (a) and (b). Very few Nagas have recently crossed over to Burma. No detailed information is, however, available.

(c) Security measures along the border have been tightened up.

पहाड़ी प्रदेशों के लिये योजना बनाने वाली समिति

*६००. **श्री पद्म देव :**
श्री दलजीत सिंह :

क्या योजना मन्त्री २१ मार्च, १९५८ के अतारांकित प्रश्न संख्या १५३९ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या पहाड़ी प्रदेशों के लिये योजना बनाने के लिये एक अलग समिति नियुक्त करने के हेतु उत्तर प्रदेश, पंजाब और हिमाचल प्रदेश से आवश्यक जानकारी इस बीच मिल गई है ;

(ख) यदि हां, तो प्रस्तावित सम्मेलन कब होगा ; और

(ग) यदि उपरोक्त भाग (क) का उत्तर न में हो, तो देरी के क्या कारण हैं ?

योजना उपमंत्री (श्री श्या० नं० मिश्र) (क) जी हां ।

(ख) उत्तर प्रदेश और पंजाब के संसद् सदस्यों के साथ अनौपचारिक ढंग से बातचीत हो चुकी है और आशा है कि संसद् के चालू अधिवेशन की अवधि में ही हिमाचल प्रदेश के संसद् सदस्यों के साथ भी बातचीत हो जायगी ।

(ग) प्रश्न नही उठता ।

पाकिस्तान के हरिजन

*६०१. { **श्री प० ला० बारूपाल :**
श्री वाल्मीकी :

क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पश्चिमी पाकिस्तान में हरिजनों का जीवन संकट में है;

(ख) क्या हाल ही मे पाकिस्तान के हरिजनों मे कोई प्रार्थनापत्र मिले हैं जिन में उन्हों ने भारत आने की इच्छा प्रकट की है ;

(ग) यदि उपरोक्त भाग (ख) का उत्तर हां में हो, तो इस विषय में क्या कार्यवाही की गई है ;

(घ) क्या अब उन्हें भारत के नागरिक बनने की अनुमति दी जायेगी ; और

(ङ) यदि उपरोक्त भाग (घ) का उत्तर हां में हो, तो सरकार ने उन्हें भारत लाने के लिये क्या कार्यवाही की है ?

वैदेशिक-कार्य मंत्री के सभा-सचिव (श्री सादत अली खां) : (क) सरकार के पास कोई सूचना नहीं है । गये दिनों में हरिजन लोग पश्चिमी पाकिस्तान से भारत आये हैं ।

(ख) जी नहीं ।

(ग) यह सवाल नहीं उठता ।

(घ) और (ङ). जो हरिजन भारत आना चाहते हैं, उन्हें कराची स्थित भारतीय हाई कमीशन से प्रवास प्रमाण-पत्र (माइग्रेशन सर्टिफिकेट) लेने होते हैं । भारत में आ जाने पर वे भारतीय नागरिकता अधिनियम (इंडियन सिटिजनशिप एक्ट) की व्यवस्था के अन्तर्गत भारतीय नागरिकता प्राप्त कर सकते है ।

Food Dropping in N.E.F.A.

*602. **Shri Amjad Ali:** Will the **Prime Minister** be pleased to state:

(a) the present rate of food-dropping per hour in N.E.F.A.; and

(b) the rate allowed to the private companies in this area previous to taking over by I.A.C.?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika): (a) and (b). A statement is placed on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 30.]

बिजली के भारी उपकरणों का कारखाना भोपाल

*६०३. { **श्री क० भें० मालवीय :**
सरदार इकबाल सिंह :

क्या वाणिज्य तथा उद्योग मंत्री १४ फरवरी, १९५८ के तारांकित प्रश्न संख्या १४३ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि भोपाल मे बिजली के भारी उपकरणो का कारखाना स्थापित करने में अब तक क्या प्रगति हुई है ?

उद्योग मंत्री (श्री मनुभाई शाह) : एक विवरण सभा की मेज पर रखा जाता है । [देखिये परिशिष्ट ३, अनुबंध संख्या ३१]

Ambar Charkha Programme

*604. **Shri Goray:** Will the **Minister of Commerce and Industry** be pleased to state:

(a) what was the total amount spent to encourage Ambar Charkha in the country during the year 1957-58;

(b) what was the output of yarn expected from these Charkhas and how much has been actually produced; and

(c) how much of the Ambar yarn has been sold to the weavers and how much is lying unsold?

The Minister of Industry (Shri Manubhai Shah):. (a) The expenditure under the Ambar Charkha Programme during 1957-58 amounted to Rs 175 64 lakhs as grant and Rs 474 89 lakhs as loans

(b) The output of yarn expected was 4 million lbs The actual production of yarn amounted to 2 54 million lbs

(c) About 70 to 80 per cent. of the yarn produced has been given to weavers and the balance is in stock with the institutions concerned

Spare parts for Agricultural Machinery

*605. **Shri Chandak** Will the Minister of **Commerce and Industry** be pleased to state

(a) whether any restrictions have been imposed on the import of spare parts for agricultural machinery and implements and

(b) if so, the likely effect of these restrictions on the food production of the country?

The Minister of Commerce (Shri Kanungo): (a) and (b) Compared to the last licensing period, the import policy for the current period has been relaxed to some extent and in this respect the position is a little easier

Displaced persons from Goa

*606. **Shri Assar**: Will the **Prime Minister** be pleased to state·

(a) whether any help or aid has so far been given to the displaced persons from Goa; and

(b) if so, its nature

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b) Rs 500 was given in one case and Rs 100 in another. Two other cases are still under consideration.

State Housing Finance Corporations

*607. **Shri Ram Krishan**:
Sardar Iqbal Singh

Will the Minister of **Works, Housing and Supply** be pleased to refer to the reply given to Starred Question No 1048 on the 18th March, 1958 and state at what stage is the scheme for setting up State Housing Finance Corporations?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): The question whether enabling legislation by the Centre is necessary for the establishment of Housing Corporations (or Boards) proposed to be set up in the States, is under consideration, along with the question whether these Corporations (or Boards) should also undertake execution of Housing projects in addition to financing of Housing activities in the State

Indo-Pakistan Border Disputes

*608 **Shri D. C. Sharma**
Shri Supakar
Shri Khushwaqt Rai·
Pandit D. N Tiwary
Shri Bishwanath Roy:
Shri Raghunath Singh:
Shri R. S. Tiwari:
Sardar Iqbal Singh:
Shri Bose:
Shri Assar
Shri Vajpayee·
Shri Hem Raj:

Will the **Prime Minister** be pleased to state

(a) whether it is a fact that Pakistani Armed Forces, fired into the areas of Khasi, Jaintia Hills district many a time·recently, and

(b) if so, the extent of loss of lives and property on the Indian side?

The Parliamentary Secretary to the Minister of External Affairs (Shri J N. Hazarika): (a) Yes, Sir firing in this region took place a number of times since March, 1958 .

(b) According to a report dated 25th July, 1958, from Assam Government, there was no loss of life but three Indian nationals were kidnapped by Pakistani-forces from the Dawki area during March and April, 1958. The loss to property is estimated at Rs. 4190.

Payment of Rupees

*609. **Shri Rameshwar Tantia:**
Shri Damani:
Dr. Sushila Nayar:
Shri Bishwanath Roy:
Shri Pangarkar:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) the names of the countries with which we have entered into fresh agreements for the opening of Rupee account in India; and

(b) whether it is also a fact that China has offered to accept payments in rupees?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) A statement indicating the names of the countries which have agreed to open Rupee Accounts in India is placed on the Table of the Lok Sabha [*See* Appendix III, annexure No 32]

(b) Yes, Sir

Import Licences for Automobiles

*610. **Shri V. P. Nayar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Ministry of Transport and Communications are consulted by his Ministry in the matter of issuing import licences for transport vehicles (automobiles) either in CKD or in built up condition; and

(b) whether the Ministry of Transport and Communications have any control in their distribution and if so what is the nature of such control?

The Minister of Industry (Shri Manubhai Shah): (a) and (b) A statement is laid on the Table of the Lok Sabha. [*See* Appendix III, Annexure No. 33].

Dock Labour Boards

*611. **Shri Muhammed Elias:**
Sardar Iqbal Singh:

Will the Minister of **Labour and Employment** be pleased to state:

(a) whether the Dock Workers (Regulation of Employment) Schemes for the ports of Cochin and Vizagapatam have been finalised;

(b) if so, whether the Dock Labour Boards for Cochin and Vizagapatam have been set up;

(c) the constitution and main functions of these Boards; and

(d) the names of the members of these boards?

The Deputy Minister of Labour (Shri Abid Ali): (a) Not yet.

(b) and (d) Do not arise.

(c) Clauses 4, 7 and 8 of the draft schemes, which were notified for comments on the 2nd *June 1958*, describe the proposed constitution and functions of these Boards.

Central Board of Trustees of the Employees' Provident Fund

*612. **Sardar Iqbal Singh:** Will the Minister of **Labour and Employment** be pleased to refer to the reply given to Starred Question No. 300 on the 19th February, 1958 and state:

(a) whether any decision has since been arrived at by Government in regard to the recommendation of the Central Board of Trustees of the Employees' Provident Fund about grant of loans to the members from the Provident Fund for:—

(i) house-building;

(ii) serious illness; and

(iii) daughter's marriage;

(b) if so, when will it be enforced; and

(c) if not, the reasons for the delay?

The Deputy Minister of Labour (Shri Abid Ali): (a) to (c) : It has been decided to amend the Employees' Provident Funds Scheme, 1952 suitably for providing for the grant of loans for treatment of serious illness. The question of grant of loans for house-building is being examined. As many of the houses will be constructed under the Subsidized Industrial Housing Scheme, the question whether the first charge on the house will be available to the fund or to the State Government which grants loans and subsidies arises. This remains to be settled. As regards grant of loans for marriages, the Central Board of Trustees, Employees' Provident Fund, decided to defer the proposal at its meeting held on 24th March, 1958

Dr. Nkrumah's visit to India

613 { **Shri Shivananjappa:**
Sardar Iqbal Singh:

Will the **Prime Minister** be pleased to state·

(a) whether Dr. Kwame Nkrumah, Prime Minister of Ghana, has been invited to visit India;

(b) if so, whether he has accepted the invitation; and

(c) when the visit will take place?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Yes

(b) Yes.

(c) The visit is expected to take place in December, 1958, but no precise date has yet been fixed

Chinakuri Mine Accident

*614. { **Shri T. B. Vittal Rao:**
Shri B. Das Gupta:

Will the Minister of **Labour and Employment** be pleased to state:

(a) the number of dead bodies of the persons involved in the Chinakuri Mine Accident of 19th February, 1958 recovered so far;

(b) whether it is a fact that a large number of skeletons and human bones suspected to be of the persons in the Chinakuri Mine Accident were discovered near a village about five miles from Asansol town; and

(c) whether it is also a fact that certain packing cases bearing the marks of Imperial Chemical Industries were found lying near these skeletons?

The Deputy Minister of Labour (Shri Abid Ali): (a) 171

(b) According to the information available, some unburnt skeletons suspected to belong to the persons involved in the Chinakuri Mine accident were found in the Bogra burning ghat about six miles to the east of Asansol

(c) Yes

Groundnut and Groundunt Oil

*615. **Shri Assar:** Will the Minister of **Commerce and Industry** be pleased to state

(a) whether it is a fact that Government released export quota of Groundnut and Groundnut Oil of 20,000 tons;

(b) if so, the time limit to export quota.

(c) how may tons of Groundnut and Groundnut Oil has been exported upto the 31st July, 1958 out of this quota;

(d) the names of the countries to which Groundnut and Groundnut Oil are exported;

(e) whether Government are aware that rates of Groundnut and Groundnut Oil have been rising in India; and

(f) if so, what steps have been taken by Government in the matter?

The Minister of Commerce (Shri Kanungo): (a) Yes, Sir. Government released a quota of 10,000 tons of H.P.S (Hand Picked Selected) groundnuts and 20,000 tons of groundnut oil on the 31st May, 1958.

(b) The quotas were valid upto the end of September, 1958, but are being extended till December, 1958.

(c) 150 tons of H.P.S. groundnuts and 31 tons of groundnut oil were passed for shipment upto the end of July, 1958

(d) H P S groundnuts are mainly exported to the U.S A., Canada, U.K and Netherlands and groundnut oil to the U K, Netherlands, Burma, Hong Kong and Belgium

(e) Yes, Sir

(f) Prices depend upon supply and demand Efforts are being made to increase production of groundnuts in the country to meet rising internal demand Special margins have, however, been also imposed on groundnuts and groundnut oil by the Forward Markets Commission in order to check speculative rise in prices

Bharat Sewak Samaj

***616. Shri Tyagi**: Will the Minister of **Planning** be pleased to lay a statement on the Table showing

(a) the total amount of grant-in-aid given so far to the Bharat Sewak Samaj and the Bharat Sadhu Samaj since their inception

(b) the amount of Government money spent through them on constructive and development programmes entrusted to them. and

(c) how much these bodies have contributed towards these programmes?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) to (c) A statement is laid on the Table of the Lok Sabha [*See* Appendix III, annexure No 34]

Industrial Estate, Ettumanur (Kerala)

***617. Shri Maniyangadan**: Will the Minister of **Commerce and Industry** be pleased to state·

(a) whether the construction of the buildings for the Industrial Estate at Ettumanur in Kerala State has been completed;

(b) how long it is since the buildings have been completed; and

(c) what industries have been started there?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). A statement is laid on the Table of the Lok Sabha [*See* Appendix III, annexure No 35.]

Houses under the Custodian, Delhi

***618.** { **Shri Vasudevan Nair:**
Shri Warior:

Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state

(a) the number of cases in which grants were made in 1956, 1957 for repairs of the houses in charge of the Custodian in Delhi,

(b) number of cases in which the amount so sanctioned was not utilised; and

(c) the reasons therefor?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) In 1106 cases in 1956 and in 710 cases in 1957, grants were made for repairs of the houses under the charge of the Custodian in Delhi

(b) In 348 cases in 1956 and 266 cases in 1957, the amount so sanctioned was not utilized

(c) The occupants of such houses are mostly in arrears of rent, and do not, generally, want to invest money in repairs the cost of which is adjusted against arrears of rent due No cash is paid to them.

Border Incident

***619** { **Shri Raghunath Singh:**
Shri N. R. Munisamy:
Shri Sarju Pandey:
Shri Vajpayee:

Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that Pakistani armed forces near Latu, an

Indian village about seven miles from Karimganj, prevented Indians at gun point from harvesting their 'MURLI' paddy crops;

(b) if so, whether any loss in life and property was sustained; and

(c) the action taken by Government in the matter?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika): (a) Yes, Sir

(b) No, Sir.

(c) Armed protection was given to the Indian cultivators, as a result of which Pakistani interference ceased and they were able to harvest their paddy crops.

Coir Research Institute in West Bengal

***620. Shri Ghosal:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No 9 on the 11th November, 1957 and state:

(a) whether the proposed Coir Research Institute has since been set up in West Bengal, and

(b) if so, where and when?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A statement is placed on the Table of the Lok Sabha [*See* Appendix III, annexure No. 36.]

Consumer Goods

***621. Shri Hem Barua:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that many articles of common use have gone either out of stock or their prices have reached prohibitive level due to the import restrictions imposed by Government; and

(b) if so, what steps Government have so far taken to restrict rise in prices and improve the situation?

The Minister of Commerce (Shri Kanungo): (a) and (b). A statement is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 37.]

National Industrial Development Corporation

*622. { **Shri S. M. Banerjee:**
Shri Balmiki:
Shri Nath Pai:

Will the Minister of **Commerce and Industry** be pleased to lay a statement showing:

(a) whether any amount has been sanctioned by the National Industrial Development Corporation as loans to some Jute Mills for their rehabilitation and modernisation,

(b) if so, the names of such units; and

(c) the total amount sanctioned?

The Minister of Industry (Shri Manubhai Shah): (a) Yes. Sir.

(b) and (c) A statement is laid on the Table of the Lok Sabha [*See* Appendix III, annexure No. 38.]

'Copyright' Agreement

***623. Shrimati Ila Palchoudhuri:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that the Government of India have suggested to the Government of Pakistan that both countries should enter into an agreement to protect the copyrights of each other's authors, poets, composers and film producers;

(b) if so, the details of the suggestion; and

(c) the nature of the reply of the Government of Pakistan received, if any, in regard thereto?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Yes, Sir.

(b) and (c). The Government of Pakistan have not yet replied to our suggestion and pending this details have not been finalised.

Rural Industrial Estate

***624. Shri Vajpayee:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the scheme to set up a rural industrial estate near Delhi has since been finalised;

(b) if so, the main features of the scheme; and

(c) the approximate cost thereof?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). A statement is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 39.]

National Development Council

***625.** **Shri Ram Krishan:**
Shri Damani:
Shri S. M. Banerjee:
Shri Tangamani:
Shri Hem Barua:

Will the Minister of **Planning** be pleased to refer to the reply given to Unstarred Question No. 3391 on the 7th May, 1958 and lay on the Table a statement showing:

(a) the conclusions and recommendations made at the meeting of the National Development Council held in May, 1958; and

(b) the steps taken to implement the same?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b): A statement is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 40.]

Adulteration of Coffee

***626.** **Shri Rameshwar Tantia:**
Shri S. C. Samanta:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any arrangements have been made to analyse samples of coffee meant for export as a check on adulteration; and

(b) if so, the details thereof?

The Minister of Commerce (Shri Kanungo): (a) and (b): A statement is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 41.]

Export of Cotton Yarn

***627. Shri Muhammed Elias:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have formulated a long term policy regarding the export of cotton yarn; and

(b) if so, the main features thereof?

The Minister of Commerce (Shri Kanungo): (a) Yes, Sir.

(b) The features of the policy are that;

1 Export policy has been announced on a long term basis, i.e. till 1961.

2. Mills have been permitted to export the same quantity of yarn that was exported by them in 1957 or that they might export in 1958 whichever is higher.

3 In addition, 1,20,000 bales per annum will be allowed to be exported by the textile industry and trade on "first come first served" basis.

Claims of Displaced Contractors

***628.** **Sardar Iqbal Singh:**
Shri Arjun Singh Bhadauria:

Will the Minister of **Rehabilitation and Minority Affairs** be pleased to refer to the reply given to Starred Question No. 1228 on the 26th March, 1958 and state the progress since made in the disposal of claims of displaced contractors?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): Upto the end of July, 1958, 5870 claims of contractors for payment of their dues were received by the Central Claims Organisation (India). 417 of these claims have been paid, 1216 rejected and the remaining have not yet been received back verified by the authorities concerned in Pakistan

Liquidation Proceedings

954. Shri Damani: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have expedited the disposal of the liquidation proceedings in respect of old cases prior to the enactment of the Indian Companies Act, 1956

(b) if so, how far it has been successful;

(c) what is the latest position of such cases; and

(d) whether new rules for the liquidation proceedings have been approved?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b) In view of the provisions contained in clause (ii) of section 647 of the Companies Act, 1956. the Central Government have no direct control over the cases of companies which went into liquidation before the commencement of the new Act. Though the High Courts were requested to consider the transfer of the liquidation proceedings initiated under the 1913 Act to the Official Liquidators appointed by the Central Government under section 448 of the new Act in order to facilitate their expeditious disposal, only one High Court has so far acceded to this request. Others are inclined to the view that transfer of jurisdiction in pending cases could not be appropriately considered suo motto, but only on the submission of an application by the parties concerned.

(c) 2306 liquidation proceedings are pending.

(d) Draft of the new rules have been prepared by the Supreme Court under section 643 of the Companies Act, 1956, and the comments of the Central Government have been sent to the Supreme Court.

Closure of Powerloom Mills in Bombay

955. Shri Pangarkar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of powerloom mills closed down in the Bombay State on account of the high rate of excise duty and heavy stock of unsold goods during 1958-59 so far; and

(b) if so, what steps Government are taking in the matter?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Three factories having more than 100 powerlooms were totally closed down from the 1st March, 1958 owing to enhancement of excise duty These, however, restarted from the 1st April, 1958

(b) Does not arise

Minimum Wages Act

956. Shri S. M. Banerjee: Will the Minister of **Labour and Employment** be pleased to state:

(a) the total number of workers in the country employed in scheduled employments coming under the coverage of the Minimum Wages Act; and

(b) the actual number of workers getting wages in accordance with its provisions?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b): the available information is contained in Tables X and XI of the report on the working of the Minimum Wages Act, 1948 for the year ending 1955, copies of which are available in the Library of the Parliament.

Satchand Refugee Colony, Tripura

957. Shri Dasaratha Deb: Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state

(a) the total land allotted to each of the agriculturist displaced families rehabilitated in the Satchand Refugee Colony, Tripura, and

(b) the steps that are being taken by Government for the economic rehabilitation of these displaced families?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) and (b) Two acres of land have already been allotted to each of the agriculturist families settled in this Colony A proposal for the allotment of 3 acres of additional land to each family to constitute an economic holding is under consideration of the Tripura Administration A multipurpose Co-operative Society has also been formed with a view to provide subsidiary occupation to the families settled in the Colony

Projects

958. Shri S. M. Banerjee: Will the Minister of **Planning** be pleased to state:

(a) the names of the projects costing fifty lakhs of rupees or more completed in various States during 1957-58; and

(b) the amount spent thereon?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). The following Statement shows the projects costing Rs. 50 lakhs or more that were completed during 1957-58 in States. Expenditure incurred in 1956-57 is also given.

Name of Projects	Expenditure in 1956-58 [1956-57 (Actuals) and 1957-58 (Revised Estimates)]
1	2
	(Rs lakhs)
IRRIGATION	
Pincha (Andhra	17 79
Mayurakshi Left Bank Canal (Bihar)	4·5
Bendsura (Bombay)	3·75
Khasapur (Do)	4·07
Chalakudv State I (Kerala)	12·34
Peechi (Do)	26·27
Sardasagar State I (U P)	99·64
Remodelling Eastern Yamuna Canal Do)	27·00
POWER	
Tungabhadra Stage I (36 MW) (Andhra & Mysore)	355·7
Ramagundam Thermal Station (Andhra) (37·5 MW)	168·7
Umtru Hydel Scheme (Assam) (8·4 MW)	82·15
Hirakud Stage I (4 main generators) (123 MW) (Orissa) . .	409·20 (on power side only)
Eastern Area Power Station (45 MW) (U P) .	250·93
Extension of Bhopal Power House (5 MW) (Madhya Pradesh)	34·49

Displaced Persons in Rajasthan

959. Shri Onkar Lal: Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) the total amount of loan advanced to displaced persons in Rajasthan by the Central Government division-wise since 1947; and

(b) the amount of rural and urban educational and house building loans and grants, separately, for each year?

The Minister of Rehabilitation and Minority Affairs: (Shri Mehr Chand Khanna): (a) and (b): The information is being collected and will be laid on the Table of the Sabha in due course.

Small Scale Industries in Rajasthan

960. Shri Onkar Lal Will the Minister of **Commerce and Industry** be pleased to state:

(a) how much quantity of steel was demanded by the State of Rajasthan as minimum requirements of small scale industries in 1956-57, 1957-58 and 1958-59 so far;

(b) the quantity of steel exclusively allotted during 1956-57 and 1957-58 for small scale industries;

(c) whether it is a fact that some small scale industries in Rajasthan have closed down for want of steel quota; and

(d) if so, what steps Government have taken in the matter?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b) A statement is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 42.]

(c) Information is not available

(d) Does not arise.

Textile Mills in Rajasthan

961. Shri Onkar Lal: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the names of Textile, Mills in Rajasthan (Big, Medium and Small);

(b) the total number of spindles of each mill;

(c) the total output of cloth from each in last five years; and

(d) the total percentage of each mill with regard to their installed and working capacity?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) to (d): A statement is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 43.]

Cottage Industries in Rajasthan

962. Shri Onkar Lal: Will the Minister of **Commerce and Industry** be pleased to state the amount sanctioned to the Rajasthan Government for the development of cottage industries in Rajasthan during 1958-59?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): The following amounts have been sanctioned:—

Name of Industry	Grants	Loans	Total
	(Rs.)	(Rs.)	(Rs.)
(1) Handicrafts	2,51,027	..	2,51,027
(2) Handloom	2,57,677	27,870	2,85,547
(3) *Traditional Khadi and Ambar Charkha	10,65,730	17,01,200	27,66,930
(4) Village Industries	11,68,670	12,85,470	24,54,140

*The figures mentioned against these items represent tentative allocations for the full year and are for the implementation of the programmes in Rajasthan through the State Khadi and Village Industries Board.

Khadi Cooperative Societies

963. Shri Onkar Lal: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the places where the cooperative societies for khadi are located in Rajasthan at present; and

(b) the amount of assistance given to these societies by the Central Government?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b) A statement containing the required information is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No 44.]

Local Development Works

984. Shri Onkar Lal: Will the Minister of **Planning** be pleased to state·

(a) the number of schemes submitted by the Rajasthan State for local development work during 1957-58;

(b) the total value of the schemes,

(c) the nature of the schemes districtwise; and

(d) whether total amount allotted during the above year has been fully utilised?

The Deputy Minister for Planning (Shri S. N. Mishra): (a) to (d). The State Governments are competent to sanction schemes without reference to the Planning Commission within the amounts allocated to them No schemes were, therefore, submitted or were required to be submitted to the Planning Commission by the Government of Rajasthan The information asked for is, however, being collected and will be placed on the table of the Lok Sabha in due course

State Trading Corporation of India (Private) Ltd

965. Shri V. C. Shukla: Will the Minister of **Commerce and Industry** be pleased to lay a statement on the Table showing the profit and loss statement on the sale of iron ore by the State Trading Corporation of (Private) Ltd. upto the 30th June, 1958 and state in what manner this profit or loss is proposed to be accounted for?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): The profit and loss account relating to the year July, 1957 to June 1958, will be included in the Annual Report of the State Trading Corporation which will be placed on the Table of the House in due course.

India's Export Trade

966.
Shri Ram Krishan:
Shri Morarka:
Shri Kodiyan:
Sardar Iqbal Singh:
Shri Bibhuti Mishra
Shri Radha Raman:
Shri Damani:
Shri Tangamani:
Shri L Achaw Singh:
Shrimati Renu Chakravartty:
Shrimati Renuka Ray:
Shri Hem Barua:
Shri Mohan Swarup:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that there has been a decline in the total export earnings of India during the first half of this year as compared to the corresponding period of the last year;

(b) if so, to what extent, commodity-wise and country-wise,

(c) the reasons for this decline;

(d) whether Government have formulated and launched any scheme for export promotion this year;

(e) if so, the details thereof;

(f) the commodities which are likely to be covered by rebate in import and excise duties under the above scheme;

(g) whether there has been any appreciable improvement in the export trade since the launching of the export promotion drive; and

(h) if so, the extent thereof commodity-wise?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Yes, Sir.

(b) A statement is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 45.]

(c) Fall in world prices and shrinkage of international trade.

(d) Yes, Sir.

(e) A statement is laid on the Table of the Lok Sabha. [*See Appendix* III, annexure No. 45.]

(f) A statement is laid on the Table of the Lok Sabha [*See* Appendix III, annexure No. 45.]

(g) and (h). It is too early to make an assessment. But it appears though export promotion measures have helped to enlarge our trade with some countries, we have, on an overall basis, only succeeded in partially offsetting unfavourable trends.

Labour Disputes in Cement Factories

967. **Shri Ram Krishan:**
Sardar Iqbal Singh:

Will the Minister of **Labour and Employment** be pleased to state.

(a) the total number of labour disputes which have occurred in cement factories during 1957-58, and

(b) the nature of such disputes?

The Deputy Minister of Labour (Shri Abid Ali): (a) 94 (excluding Punjab and Mysore)

(b) These disputes generally related to wages, confirmation, promotion, reinstatement, leave, provident fund, dearness allowance, medical aid, quarters, abolition of contract system, bonus etc.

Bhoodan Lands for Scheduled Castes and Scheduled Tribes

698. **Shri Onkar Lal:**
Shri Harish Chandra Mathur:

Will the Minister of **Planning** be pleased to state the quantity of Bhoodan lands allotted to landless Scheduled Castes and Scheduled Tribes so far?

The Deputy Minister of Planning (Shri S. N. Mishra): The All India Sarva Seva Sangh who were contacted have reported that information regarding the area of land allotted to landless people of the Scheduled Castes and Scheduled Tribes is not available. The Bhoodan Samities in different States and districts are expected to maintain these records. In the Sarva Seva Sangh office these details are not called for. Generally at least one-third of the bhoodan land in a village is allotted to Scheduled Castes and Scheduled Tribes if they are landless and reside there.

Indo-Pakistan Border Disputes

969. **Shrimati Ila Palchoudhuri:**
Shri Ram Krishan:
Sardar Iqbal Singh:
Shri Raghunath Singh:
Shri N R Munisamy:

Will the **Prime Minister** be pleased to state.

(a) whether it is a fact that loss of life and property has been caused due to recent firings by Pakistani troops on the East Pakistan-Assam border in the Karimganj area;

(b) if so, the extent thereof in each case; and

(c) the manner and quantum of assistance given to the sufferers?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). There has been no loss of life or property in the area of Karimganj town. Karimganj Sub-division however is a part of Cachar District and along the Cachar-Sylhet border the recent incidents resulted in the death of 3 Indian nationals and injuries to 9 others. The loss to property is estimated at Rs. 12,000.

(c) The Assam Government sanctioned an amount of Rs. 15,000/- for relief to the people affected by Pakistani firings in the Cachar district.

Export of Indian Films to U.S.A.

970. Shri D. C. Sharma: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of films exported to the U.S.A. during 1958 so far; and

(b) how this figure compares with that for 1957?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b). A statement is laid on the Table of Lok Sabha. [*See* Appendix III, annexure No. 46.]

Pharmaceutical Industry

971. Shri Kumaran: Will the Minister of Commerce and Industry be pleased to state the steps Government have taken to develop the pharmaceutical industry in India since the setting up of the Development Council for Pharmaceuticals and Drugs in 1957?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): The Development Council for Pharmaceuticals and Drugs was set up in 1955 and not in 1957. This Council was set up on the recommendations of the Pharmaceuticals Enquiry Committee to advise the Government on the manufacture, processing and development of pharmaceuticals and drugs. The Council examined in detail the question of manufacture of basic chemicals as well as intermediates. All licences for the manufacture and processing of drugs are now being dealt with, broadly speaking, on the recommendations of this Council. The question of setting up a Unit for the manufacture of basic chemicals and the intermediates has been under active consideration. In order to further the progress of manufacture, a team of experts from U.S.S.R. visited the country and made certain recommendations in 1956. Following this, an Indian team was sent to the U.S.S.R. and other countries in Europe to inspect the various factories manufacturing drugs and pharmaceuticals. The members of the Development Council have been intimately associated with these developments and also kept advised in regard to the manufacture of basic chemicals and intermediates. In the next stage, another team from the U.S.S.R. has come to India and is currently touring the country to examine the details in connection with the setting up of a plant or plants for the manufacture of drugs and pharmaceuticals with U.S.S.R. technical collaboration and aid.

Sewing Machines

972. { **Shri Balmiki:**
Shri Daljit Singh:

Will the Minister of Commerce and Industry be pleased to state the number of Indian sewing machines exported so far country-wise?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): A statement is laid on the Table of Lok Sabha. [*See* Appendix III, annexure No. 47.]

Indian Bicycles

973. { **Shri Balmiki:**
Sardar Iqbal Singh:
Shri Daljit Singh:

Will the Minister of Commerce and Industry be pleased to state:

(a) the number and the value of Indian bicycles exported in 1957-58 and 1958-59 so far; and

(b) the names of the countries where these are in great demand?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b). Export of bicycles in 1957-58 and 1958-59 (April and May 1958) has been negligible, being worth about Rs. 2000 and Rs. 3000 only respectively.

Sandalwood Oil

974. Shri Balmiki: Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of sandalwood oil exported to foreign countries during

1956-57 and 1957-58; and

(b) the steps taken by Government to improve the quality of the oil?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) The exports of Sandalwood oil during 1956-57 and 1957-58 (April-February) were as follows:

Years	Qty. (in '000' lns.)	Val. (in lakhs of Rs.)
1956-57 . .	193	97
1957-58 (April-February) . .	212	105

(b) Sandalwood Oil produced in India conforms to B.P., I.S.I., and other international standards and there has been no complaint about its quality. So the question of taking steps to improve it does not arise.

'Holiday Homes' for Workers

975. Shri Muhammed Elias: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether the Government of India have formulated any plan to open 'Holiday Homes' for workers;

(b) if so, the categories of workers that are to be covered by the plan; and

(c) how the plan is going to be financed?

The Deputy Minister of Labour (Shri Abid Ali): (a) to (c). No scheme has yet been formulated.

Khadi and Village Industries Board, Mysore

976. Shri Wodeyar: Will the Minister of **Commerce and Industry** be pleased to state the amount allotted during 1958-59 by the Central Government for the Khadi and Village Industries Board of Mysore?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): The Khadi and Village Industries Commission has tentatively allotted out of the funds placed at its disposal by the Central Government Rs. 44,01,395 as grant and Rs. 32,71,250 as loan to the Mysore State Khadi and Village Industries Board for the development of Khadi (including Ambar Khadi) and other village industries.

Manpower

977. Sardar Iqbal Singh: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether any survey was conducted regarding the manpower; and

(b) if so, the main results of this survey?

The Deputy Minister of Labour (Shri Abid Ali): (a) No.

(b) Does not arise

Production of Palm-gur

978. Sardar Iqbal Singh: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the amount sanctioned so far for the production of the Palm-gur in Punjab under the Second Five Year Plan; and

(b) the details of the schemes for which it has been sanctioned?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a)

Year	Grant (Rs.)	Loan (Rs.)
1956-57 .	97,975	10,050
1957-58 .	74,365	29,900
1958-59 . .	37,565*	11,750*

*These figures represent the total allocation for the full year, but the actual amount which will be sanctioned during 1958-59 will depend upon the actual schemes which may be approved by the Khadi and Village Industries Commission.

(b) A statement containing the required information is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 48.]

Registered Companies in Punjab

979. Sardar Iqbal Singh: Will the Minister of Commerce and Industry be pleased to state the names of the registered companies in the Punjab (Districtwise)?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): A statement is furnished giving such information as is readily available. [*See* Appendix III, annexure No. 49.]

Handloom Industry in Punjab

980. Sardar Iqbal Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) what is the present stock of unsold handloom goods in the private sector and in the Co-operative sector in the Punjab; and

(b) whether any financial aid is proposed to be given to those looms outside the co-operative fold?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Stocks worth about Rs. 33 lakhs and Rs. 1 lakh were reported to be held in July in the Sector outside the cooperative fold and in the cooperative Sector respectively.

(b) No, Sir.

Cloth Production

981. **Shri Tridib Kumar Chaudhuri:**
Shri S. M. Banerjee:
Shri Sarju Pandey:
Shri Tangamani:

Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the production of cloth by India's Cotton Textile Mills in May has increased by 13 million yards;

(b) whether it is a fact that production figures of cloth and Mill Yarn have been rising every month since the beginning of the year;

(c) whether Government have made any assessment of the causes of this rising trend in production of mill cloth and mill yarn inspite of the reported accumulation of stock of cloth and the closure of nearly two dozen textile mills; and

(d) if so, the details thereof?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Yes, Sir. Production of cloth has increased from 408 million yards in April, 1958, to 421 million yards in May, 1958.

(b) No, Sir. There has been no steady progress as will be seen from the following figures:—

Months	Cloth Produced (in million yards)	Yarn Produced (in million lbs.)
January	437	149
February	391	133
March	406	138
April	408	134
May	421	139
June (Provisional)	390	128

(c) and (d). In view of the reply to part (b) above, these do not arise.

Development of Handicrafts

982. Shri Daljit Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that some schemes for the development of handicrafts have been decided to continue in Uttar Pradesh and Punjab during 1958-59; and

(b) if so, the details of the schemes with the names of the places and the amount allocated by the Central Government in this regard?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Yes, Sir

(b) A statement is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 50.]

Pakistanis Raid on Indian Village Lodrani

983. Shri Shivananjappa: Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that a band of 10 Pakistani raiders crossed into Indian territory at village Lodrani on the Kutch border recently and drove away 107 camels; and

(b) if so, whether Indian Border Police chased the raiders and brought back the camels?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes Sir. Pakistani raiders took away 97 camels.

(b) Border Police authorities received the information rather late and their efforts to chase the raiders were therefore not fruitful. The matter has however been taken up with the Pakistani local authorities.

Nomenclature for State Undertakings

984. Shri Shivananjappa: Will the Minister of **Commerce and Industry** to pleased to state:

(a) whether it is a fact that the State-owned companies, corporations and other undertakings will soon have a new nomenclature;

(b) if so, what will be the new name; and

(c) the reasons for the change in nomenclature?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) to (c). The matter is under consideration and no final decision about the new nomenclature has yet been taken.

Textile Mills

985. Shri Jadhav: Will the Minister of **Commerce and Industry** be pleased to state:

(a) how many automatic looms have been installed in the textile mills up-to-date and in what mills; and

(b) the average number of looms plied by a worker?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) A statement is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 51.]

(b) The number of automatic looms plied by one worker depends upon the agreement between the management of a textile mill and the Labour Union concerned. The allotment of automatic looms per worker ranges from 4 to 35.

State Undertakings

986. Shri Mohammed Imam: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the senior Central Government officials are appointed as Chairman of factories and corporations owned or aided by Government;

(b) if so, the names of the factories and other concerns where these officials have been appointed as Chairmen; and

(c) the reasons for appointing them as Chairmen?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Yes, Sir.

(b) A list of Government undertakings, in so far as the Ministry of Commerce and Industry is concerned, where senior Central Government officials have been appointed as Chairman is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 52.]

(c) It has been considered necessary to appoint them so that the working of the factory or corporation is carried on effectively and speedily in the early stages of the establishment and development of these factories.

Import of Beef

987. Shri Raghunath Singh: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that India is still importing Beef, and

(b) if so, the value of the Beef imported annually?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b) Import of beef is banned during the current licensing period There has not been any import of beef-smoked dried of salted-during January-May, 1958 though meat of bovine cattle (Beef, veal)—fresh, chilled or frozen, has been imported The value of beef fresh and dried imported into India during 1957 and 1958 (January-May, 1958) is given below. The value represents the landed cost and as such includes cost, insurance and freight

	1957	1958 Jan.-May
	Rs	Rs.
Meat of Bovine cattle (Beef veal) fresh, chilled or frozen	39,054	8,928
Beef-smoked, dried or salted	5,500	nil

Pusa Institute

988. Shri Ram Garib: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether it is a fact that the candidates trained in the Pusa Institute as Draftsmen and Overseers are not given preference in Government employment in comparison to candiates trained by Roorkee and Lucknow institutions; and

(b) if so, the reasons therefor?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes, all candidates are treated at par.

(b) As the standard of knowledge acquired at the Pusa Technical Institute is considered at par with that acquired at other institutes recognised for the purpose, no preference is given in employment to the candidates from the Pusa Technical Institute.

Employment Pattern Survey

989. Sardar Iqbal Singh:
Shri Ram Krishan:
Shri R. C. Majhi:

Will the Minister of **Labour and Employment** be pleased to state:

(a) whether the Employment Pattern Survey is being conducted by the Delhi University in collaboration with the Ministry of Labour and Employment and Planning Commission; and

(b) if so, the progress made?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

(b) Out of 3,585 alumni of Delhi University who are the subjects of the Survey over 1,700 have been interviewed The data obtained from them is now being codified and tabulated on machine The survey will be completed by the end of the year and the results will be published in early 1959

Border Raids ✓

990. Shri Vajpayee:
Shri S. M. Banerjee:
Shri Pangarkar:
Shri V. C. Shukla:

Will the **Prime Minister** be pleased to state:

(a) details of the protest lodged with the Government of Pakistan in regard to border incidents since 1st January, 1958; and

(b) the number of cases where remedial action has been taken by the Government of Pakistan?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) A statement giving information about the protests lodged with the Government of Pakistan on border incidents since 1st January, 1958 is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 58.]

(b) In some cases they have denied the occurrence of the incident, while in some other cases they have made counter allegations.

Arrest of Pakistan National

991. Shri N. R. Munisamy: Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that a Pakistani national was arrested for violation of passport rules and about 300 persons from Pakistan side attempted to rescue the arrested person on the 4th July, 1958 near Chandganj border out-post in Kumarkanj Police Station, West Dinajpur; and

(b) if so, the details of incident?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). Yes Sir. Last July, a Pakistani national entered Indian territory at Elendari, District West Dinajpur and was arrested by an Indian Policeman. He however raised an alarm and about 200 armed Pakistani nationals crossed into our border to rescue him. The Indian constable fired one round in self-defence and also to scare away the Pakistani mob. This attracted a number of Indian villagers and Policemen to the spot and the trespassers fled to Pakistan.

Development of Cottage and Village Industries

992. Shri Pangarkar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any financial aid has been received from foreign countries for the development of village and cottage industries in India during 1957-58 and 1958-59; and

(b) if so, the amount thereof and the names of the countries from where it has been received?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Yes, Sir.

(b) The following amounts were received:—

Name of the country	Industry	Year	Amount
1. U.S.A. (Donation from an individual).	Handicrafts	1957-58	$3,000
2. U.S.A (Ford Foundation).	Handicrafts	1957-58	$75,000

It may be mentioned also that under the Colombo Plan two sericulture experts during the years 1957-58 and 1958-59 were placed at the disposal of the Central Silk Board by the Government of Japan. Excepting 'local costs' all other expenditure in connection with their deputation was borne by the Japanese Government.

Indians Evacuated from Lebanon

993. { **Shri Raghunath Singh:**
Shrimati Mafida Ahmed:

Will the **Prime Minister** be pleased to state how many Indians have been evacuated from Lebanon during the recent Middle East upheavals?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): None of the Indian nationals in Lebanon has been evacuated by the Government of India. However, they were advised to send their families away. About 40 persons left Lebanon at their own expense.

बुनकर सहकारी समितियां

९९४. श्री अर्जुन सिंह भदौरिया : क्या **वाणिज्य तथा उद्योग** मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत में (राज्यानुसार) कितनी बुनकर सहकारी समितियां हैं ; और

(ख) भारत में (राज्यानुसार) बुनकर सहकारी समितियों के अन्तर्गत कितने करघे पंजीबद्ध किये गये है ?

वाणिज्य तथा उद्योग मंत्री (श्री लाल बहादुर शास्त्री) : (क) एक विवरण सभा पटल पर रख दिया गया है । [देखिये परिशिष्ट ३ अनुबन्ध संख्या ५४]

(ख) राज्यानुसार बुनकर सहकारी समितियों के अन्तर्गत कितने करघे पंजीबद्ध किये गये हैं, इसके आंकड़े उपलब्ध नही है । एक विवरण सभा पटल पर रख दिया गया है जिसमें यह दिखाया गया है कि सहकारिता के क्षेत्र में राज्यानुमार कितने करघे है । [देखिये परिशिष्ट ३, अनुबन्ध संख्या ५४]

Cashew-nuts

995. **Shri Subbiah Ambalam:**. Will the Minister of **Commerce and Industry** be pleased to state:

(a) the annual production of cashew-nuts in India during the years 1955-56, 1956-57 and 1957-58;

(b) the total quantity exported during the same period and the value thereof; and

(c) the total acreage under cashew cultivation which is bearing fruits and the acreage which is not bearing fruits at present?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) The annual production of cashew-nuts (in husk) in India for the years 1955-56, 1956-57 and 1957-58 is estimated at 58,000 tons, 59,000 tons and 61,000 tons respectively.

(b) The quantity and value of exports of cashew-nut kernel during this period are given below:—

Year	Quantity (tons)	Value in rupees
1955 . .	30,957	11,64,94,116
1956 . .	31,978	15,11,01,075
1957 . .	34,030	14,73,05,790

(c) The information required is not available. However, the total acreage under cashew cultivation in India is estimated at 2,23,000 acres.

All India Manufacturers' Association, Assam

996. **Shrimati Mafida Ahmed:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the local committee of the All India Manufacturers' Association, Tinsukia (Assam) submitted a memorandum to him on his recent visit to Assam; and

(b) the action taken thereon?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b) A memorandum was submitted to Minister (Industries) during his visit to Assam in July, 1958.

The following points were urged in this memorandum:—

(1) The steel quota for Assam should be increased.

(2) The discriminating rates of royalty levied by the State Government on timber supplies to smaller plywood factories as compared with larger units should be done away with

With regard to the first request, the Association was informed that as long as the present foreign exchange difficulties last it would not be possible for the Government of India to give further relief to the industry not only in Assam but in other parts of India as well.

On the second point, the Association was advised to take the matter up with the State Government.

Import of Vitamins

997. **Sardar Iqbal Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have precise information about the actual import of each of the vitamins in 1957-58;

(b) if so, the total value of vitamins imported in that year; and

(c) the total value of vitamins produced in India, if any?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Yes, Sir.

(b) A statement showing the value of vitamins imported into India during 1957-58 is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 55.]

(c) Shark Liver Oil which is rich in vitamin A (in terms of 6000 IU of vitamin A activity per gram of oil) is being produced in the country by three Government Factories situated in Bombay, Kozhikode and Trivandrum with a capacity of 70,000 Gallons per annum. The production of these factories during 1957 has been 48,659 Gallons valued at Rs. 14,59,770/- Nicotinic Acid and Amide—187 Kgs valued at Rs. 6,100/-.

Industries in Assam

998. Shri Hem Barua: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of industries, which the Central Government proposed to set up on their own, or help the State Governments or the private sector to do so in the State of Assam as a result of the recent Industries Conference at Shillong; and

(b) the recommendations, if any, made by the different Sectional Commitees set up by this Conference?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b). Government of India have not yet received the recommendations of the Sectional Committees set up by the recent Industries Conference at Shillong. The schemes listed in the statement laid on the Table of the Lok Sabha have been included in the State's Second Five Year Plan. [*See* Appendix III, annexure No. 56.]

Employment Exchanges

999. Shri Daljit Singh: Will the Minister of **Labour and Employment** be pleased to lay a statement on the Table showing:

(a) the number of unemployed graduates, intermediates and matriculates on the Live Registers of the Employment Exchanges in Punjab at present;

(b) the number of unemployed graduates registered with the Employment Exchanges in Punjab during 1958-59 so far; and

(c) the number of them provided with employment during the same period?

The Deputy Minister of Labour (Shri Abid Ali): The information is given below:

(*a*) Category	No. on Live Register as on 30th June, 1958
Graduates . . .	1,496
Intermediates . . .	1,380
Matriculates . . .	14,085
TOTAL . .	16,961

(b) 1,047 during April-June, 1958.

(c) 181 during April-June, 1958.

Manufacture of Cars

1000. Shri Daljit Singh: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of big cars above 18 H.P. which have been produced in India during 1958 so far; and

(b) the number of the small cars below 17 H.P. produced in India during the same period?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b). Production figures for the first six months of 1958 are as under:—

1. Cars (including Station Wagon types) above 18 H.P.	340
2. Cars (including Station Wagon types) below 17 H.P.	2942

All India Seminar on Leather Industries

1001. Shri A. K. Gopalan: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether an All India Seminar on the Leather Industries was held in Hyderabad; and

(b) if so, what are the suggestions and recommendations made?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Yes, Sir

(b) A copy of the Minutes containing suggestions and recommendations made by the Seminar is laid on the Table of the Lok Sabha [*Placed in the Library See* Index No. LT 870|58]

सीमेन्ट का उत्पादन

१००२. श्री सरजू पांडे क्या **वाणिज्य तथा उद्योग** मंत्री ४ मार्च, १९५८ के अतारांकित प्रश्न संख्या ८८७ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि द्वितीय पंचवर्षीय योजना के अन्तर्गत प्रस्तावित सीमेंट के नये कारखाने खुल जाने के बाद सीमेंट का अनुमानत. कितना वार्षिक उत्पादन होगा ।

वाणिज्य तथा उद्योग मंत्री (श्री लाल बहादुर शास्त्री): अगर सभी स्वीकृत योजनायें क्रियान्वित हो जायें तो सीमेंट की कुल उत्पादन क्षमता १५२ लाख टन हो जायगी और वार्षिक उत्पादन १३६.८ लाख टन तक पहुंच जायेगा । संयंत्र और मशीनों के लिये जो आयात लाइसेंस दिये जा चुके हैं, उनके अनुसार १ करोड़ टन की उत्पादन क्षमता का प्रबन्ध हो चुका है । और इस आधार पर वार्षिक उत्पादन लगभग ९० लाख टन होगा ।

Trade with Japan

1003. Shri Daljit Singh: Will the Minister of **Commerce and Industry** be pleased to state the measures taken to promote trade between India and Japan?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): A statement is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No 57.]

India's Import Trade

1004. Shri Daljit Singh: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the import trade position of India in the last six months; and

(b) the total value of imports made in the same period?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b). The trade position of India during January-June 1958 was as follows:—

	Value in crores of Rs. January-June 1958
Imports	390
Export (including re-exports)	262
Balance of Trade	128

Remuneration to Writers

1005. Shri Daljit Singh: Will the Minister of **Information and Broadcasting** be pleased to state the total amount paid by Government to the writers of all the recognised languages other than Hindi and English by way of remuneration during 1957-58 for their articles published in Government publications, separately?

The Minister of Information and Broadcasting (Dr. Keskar): The Ministry of Information and Broadcasting is not publishing periodicals in any other language excepting Hindi, English and Urdu. As such, the question of payment to these writers does not arise. During 1957-58, an amount of Rs. 4,577 was paid by way of remuneration to Urdu Writers for articles.

Handicrafts Training Scheme in Punjab

1006. Shri Daljit Singh: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have approved any schemes for training in handicrafts in the Punjab State;

(b) if so, the details thereof, and

(c) the places where it will be implemented?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Yes, Sir.

(b) and (c). A statement is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No 58]

Khadi Production in Punjab

1007. Shri Daljit Singh: Will the Minister of **Commerce and Industry** be pleased to state the quantity of Khadi produced in Punjab from 1st January to 31st July, 1958?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): Production statistics from all Khadi and Ambar-charkha centres in the Punjab for the period 1st January to 31st July, 1958, have not yet been received. However, according to reports received upto the 3rd week of August, 1958, production of khadi, including Ambar khadi from 1st January to 31st July, 1958, was 71·48 lakh sq. yards.

Survey of Beryl in Andhra

1008. Shri Rami Reddy:

Will the **Prime Minister** be pleased to state:

(a) whether any survey of the resources of Beryl in Andhra Pradesh has been made;

(b) the estimated reserves of the mineral available in the State; and

(c) the various places where the mineral is available in the State?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (c). A detailed and systematic survey for location of deposits of Beryl Ore has been carried out by the Atomic Minerals Division of the Department of Atomic Energy in certain Districts of Andhra State This survey is being extended to other Districts also. As a result of the survey so far carried out, a number of deposits of Beryl Ore have been discovered in the Districts of Nellore, Vishakapatnam and Srikakulam. The exact localities of these deposits cannot be disclosed in public interest.

(b) Beryl Ore occurs as isolated pockets in pegmatite veins and since its distribution is sporadic and irregular the reserves of the same cannot be estimated

Pakistani Raids on Tripura

1009. Shri Bangshi Thakur: Will the **Prime Minister** be pleased to state:

(a) the specific localities of Tripura which have suffered in the recent incursions and firings by the Pakistani Military and other forces;

(b) whether it is a fact that as a result of one of these raids the Commandant of the Tripura Armed Police with a few other police men is missing;

(c) if so, what are the details of the incidents and have Government any news about them; and

(d) what are the number of persons, official and non-official, adversely affected by these raids and what relief measures have Government taken for them and their families?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) to (c). The only area affected by recent incursions and firings by Pakistan forces in Tripura is village Lakshmipur. On the night of 6/7th August, 1958, Pakistan armed forces raided the Indian Police Outpost in this village and opened indiscriminate firing. As a result of this, two Indian Police personnel were killed and two injured. Three of them, including the Commandant, were kidnapped to Pakistan and are now in detention of Pakistan authorities. The Government of Pakistan has been asked to release them.

(d) The persons directly affected by the raid were the police personnel mentioned above. The size of the civilian population disrupted or otherwise affected adversely is not known but could not be large. Information about measures taken by the Tripura Administration for the relief given to them or their families is not yet available

Tukegram Village Occupied by Pakistanis

1010. Shri Ram Krishan: Will the **Prime Minister** be pleased to state:

(a) whether Indian Government has asked Pakistan Government to quit village Tukegram on Eastern border forcibly occupied since 7th August;

(b) if so, the reaction of Pakistan Government thereon;

(c) whether the Pakistan Government has vacated the village; and

(d) if not, what action Government of India propose to take to liberate this village?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):

(a) Yes, Sir.

(b) The Pakistan Government have claimed wrongly that the area belongs to them.

c) No, Sir.

(d) The Government's efforts to secure Pakistani vacation continue and the matter will be taken up at the Secretary level Conference to be held at Karachi on August, 30th.

Art Silk Yarn

1011. Shri Rami Reddy: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total quantity of Art Silk Yarn produced in the country annually;

(b) the names of the manufacturers of the yarn;

(c) whether Government has formulated any scheme for distributing the same amongst the actual users; and

(d) if so, the details thereof and the steps taken to ensure an equitable distribution of the yarn amongst the actual users?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) 1955 15·45 million pounds
1956 -do-
1957 -do-

(b) 1. M/s. National Rayon Corporation, Kalya, Bombay.

2. M/s Travancore Rayons, Rayonpuram, Kerala.

3 M/s. Century Rayons, Kalyan, Bombay.

4. M/s. Sirsilk Ltd., Sirpur-Kagazhnagar, Andhra Pradesh.

(c) and (d). Yes, Sir. A statement is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 59.]

NEPA Newsprint Factory

1012. Shri Rameshwar Tantia: Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 180 on the 14th February, 1958 and state:

(a) whether the increased power

supply to the NEPA Newsprint factory has since been arranged to enable it to achieve its production of 100 tons newsprint per day;

(b) if so, the details thereof; and

(c) how much extra newsprint is likely to be produced as a result of the increased power supply to the factory at present?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Not yet, Sir.

(b) Does not arise.

(c) About 5000 to 7000 tons a year

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12 hrs.

PAPERS LAID ON THE TABLE

AMENDMENT TO THE REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY RULES.

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): I beg to lay on the Table, under sub-section (3) of Section 22 of the Requisitioning and Acquisition of Immovable Property Act, 1952, a copy of Notification No. G S R. 654 dated the 2nd August, 1958 making certain amendments to the Requisitioning and Acquisition of Immovable Property Rules, 1953 [*Placed in Library, See* No LT-854/58.]

CHOUDHURY COMMITTEE'S REPORT

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): I beg to lay on the Table a copy of each of the following papers:—

(1) Report of an Enquiry into demands of Port and Dock Workers by Shri P. C. Choudhury.

(2) Government Resolution No. 23-PLA(87)/58 dated the 21st July, 1958. [*Placed in Library, See* No. LT-860/58.]

NOTIFICATION ISSUED UNDER INDUSTRIES (DEVELOPMENT & REGULATION) ACT.

The Minister of Industry (Shri Manubhai Shah): I beg to lay on the Table, a copy of Notification No. S.O. 867 dated the 15th May, 1958, as corrected by S.O No. 971 dated the 31st May, 1958 regarding taking over the management of Messrs Jessop and Company Limited, Calcutta. [*Placed in Library, See* No. LT-861/58.]

AMENDMENTS TO REPRESENTATION OF THE PEOPLE (CONDUCT OF ELECTIONS AND ELECTION PETITIONS) RULES

The Minister of Law (Shri A. K. Sen): I beg to lay on the Table, under sub-section (3) of Section 169 of the Representation of the People Act, 1951, a copy of Notification No. G.S.R. 700A dated the 13th August, 1958 making certain further amendments to the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956 [*Placed in Library. See* No LT-862/58.]

STATEMENTS SHOWING ACTION TAKEN BY GOVERNMENT ON ASSURANCES

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table a copy of each of the following statements showing the action taken by Government on various assurances, promises and undertakings given by Ministers during the various sessions shown against each:—

(i) Supplementary Statement No. VI. Fourth Session, 1958 of Second Lok Sabha. [*See* Appendix III, annexure No. 60]

(ii) Supplementary Statement No. VIII—Third Session, 1957 of Second Lok Sabha. [*See* Appendix III, annexure No 61.]

(iii) Supplementary Statement No. XIV—First Session, 1957 of Second Lok Sabha. [*See* Appendix III. annexure No. 62.]

12.02 hrs.

MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following messages received from the Secretary of Rajya Sabha:—

(i) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 25th August, 1958, agreed without any amendment to the All-India Services (Amendment) Bill, 1958, which was passed by the Lok Sabha at its sitting held on the 12th August, 1958."

(ii) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 25th August, 1958, agreed without any amendment to the Code of Criminal Procedure (Amendment) Bill, 1958, which was passed by the Lok Sabha at its sitting held on the 18th August, 1958."

BANARAS HINDU UNIVERSITY (AMENDMENT) BILL

REPORT OF SELECT COMMITTEE

Sardar Hukam Singh (Bhatinda). I beg to present the Report of the Select Committee on the Banaras Hindu University (Amendment) Bill, 1958

12.03 hrs.

TRADE AND MERCHANDISE MARKS BILL

Mr. Speaker: The House will now take up the Trade and Merchandise Marks Bill, 1958, as reported by the Joint Committee. As the House is aware, five hours have been allotted for all the stages of the Bill. I would like to take the sense of the House as to how these five hours should be distributed among the various stages of the Bill

Shri Naushir Bharucha: (East Khandesh): Four hours and one hour.

Mr. Speaker: Four hours for general discussion and one hour for clause by clause consideration and Third Reading?

Some Hon Members: Yes.

Mr. Speaker: Therefore, four hours are allotted for General Discussion and one hour for clause by clause consideration including the Third Reading stage

The Minister of Commerce (Shri Kanungo): Mr Speaker, I beg to move:

> "That the Bill to provide for the registration and better protection of trade marks and for the prevention of the use of fraudulent marks on merchandise, as reported by the Joint Committee, be taken into consideration"

I do not propose to inflict a speech on this motion The Bill was introduced in the Lok Sabha on the 28th March, 1958 The motion for reference of the Bill to a Joint Committee of the Houses was moved on the 5th of May and there was discussion on two days, 5th and 7th. As you will observe, the principles of the Bill and the contents of the Bill were very widely discussed and there was consensus of opinion that the Bill as framed and introduced was acceptable to the House Thereafter the Bill was committed to the Joint Committee which had more than 12 meetings and went thoroughly into it. They have made certain alterations in the wording of the Bill which are improvements more or less. But, the main structure of the Bill has remained as it was. Therefore I would commend that the Bill as amended by the Joint Committee may be accepted.

Mr. Speaker: Motion moved:

> "That the Bill to provide for the registration and better protection of trade marks and for the prevention of the use of fraudulent marks on merchandise, as reported by the Joint Committee, be taken into consideration."

May I know how many hon. Members want to take part in this general discussion? (Some Hon. Members *rose*). Then, why so many hours?

Shri Naushir Bharucha: I think the general discussion might end much earlier.

Mr. Speaker: I think so.

Shri V. P. Nayar (Quilon): I would like to speak in the General discussion.

Shri C. R. Pattabhi Raman (Kumbakonam): Some of us were in the Joint Committee.

Mr. Speaker: If hon. Members want to say anything regarding the Joint Committee or minute of dissent, I will allow them subject to limitation of time.

Shri Naushir Bharucha: As the hon. Minister has observed, the Bill has emerged from the Joint Committee more or less intact. There were several views expressed by various hon. Members on different aspects of the Bill and I desire to invite the attention of the House to certain major aspects which, unless properly taken into consideration will leave this Bill in actual practice without any effect. I have tabled four amendments. But, the gist of my amendments is that wherever any offence has been committed in respect of trade marks—offence as defined in clauses 77 and 78—then, a new type of procedure will have to be recommended if these particular clauses are to be made really effective. These clauses are on pages 48, 49 and 50. Section 76 gives us the meaning of applying trade marks and trade descriptions. Clause 77 reads thus:

> "A person shall be deemed to falsify a trade mark who, either.—
>
> (a) without the assent of the proprietor of the trade mark makes that trade mark or a deceptively similar mark; or
>
> (b) falsifies any genuine trade mark, whether by alteration... and so on.

Clause 78 says:

> "Any person who,—
>
> (a) falsifies any trade mark; or
>
> (b) falsely applies to goods any trade mark; or
>
> (c) makes, disposes of, or has in possession, any die... .. etc.

shall be punished with imprisonment which may extend to three years. Clause 79 deals with penalty for selling goods to which a false trade mark or false trade description is applied. Several people have told me in this connection, and I think their observations are correct, that no matter how very well worded your Acts may be, unless the remedy is enforced and the penalties are brought within the practical ken of the aggrieved parties, your Act has no effect. It is rather unfortunate that the Joint Committee has not taken into consideration the operative part of the Act and how the Act is going to be enforced.

For many years past, we have noticed that the business community is harassed not so much by the defective wording of the Act as by the fact that whenever a trade mark has been infringed, the remedies against the offender have become impracticable. I can give a number of instances; for instance, the trade marks in respect

[Shri Naushir Bharucha]

of consumer goods very widely used in the country—for example Tata Oil Co. 's Bar soaps—are infringed with impunity. Infringement takes place not in the town of the registered office of the aggrieved company, but anywhere in the country. Even these infringements are on such a wide scale that it becomes impossible for a person who is aggrieved to run to the particular province or town where the offence has been committed. It will be *observed that the scheme of the Bill* with regard to prosecution is that it leaves intact the provisions of the Code of Criminal Procedure.

In other words, the agrrieved party has to go to the town where the offence has been committed. Now, often these offences are committed in small towns where it is impossible for people to find facilities for prosecuting a case, and often if presecution is launched by the aggrieved party under the provisions of clauses 77, 78 and 79, it becomes impossible to carry on the prosecution because the accused being in his home town is in a position to exhaust the aggrieved party by various legal devices.

In the very first place, it may be extremely difficult to get the summons served on him. He can always evade it. Secondly, even if the summons is served, he can apply for any number of adjournments which in mofussil courts are very readily granted—that has been my experience—and he may harass him. Then, he may put in a transfer application and have his case transferred. All these difficulties pile up to such an extent that the aggrieved party would have have to pay his counsel each time and take him to a distant spot where they may not have even proper facilities for anything whatever, and then he may have to come back. The result is that the heredy which the law prǒvide becomes for more costly than the grievance itself, and the aggrieved party has to abandon it. I ask this House to consider dispassionately: what is the use of making the Trade and Merchandise Marks Act on paper compact and capable of being enforced when in actual practice it cannot be done? What is the use of conferring certain rights on the proprietors of trade marks when those rights in actual practice in 95 cases out of 100 cannot be exercised? I ask whether it is not our duty to look to the practical aspects of the whole problem because unless we do that, the most salutary provisions of this Bill are likely to be nullified.

Take the case where a particular trade mark has been infringed, and the aggrieved company or the aggrieved proprietor desires to proceed against that party by way of obtaining an injunction. The procedure would be that he would have to file a suit In which court can he file a suit? It can only be the court where the cause of action has arisen according to the Civil Procedure Code and that would be the place where the offence has been committed. Now, does any of us—I speak of the lawyer Members of this House—think that it is humanly possible for anybody to go to the home town of the offending party and file a suit and apply for an injunction and see that the injunction is properly enforced, or to carry on the suit, run after the party for two or three years and then obtain a permanent injunction? These things are absolutely impossible. With the result that the most important companies which have got financial resources and which are capable of taking action against such offenders leave the whole thing as it is, and then the infringement of the trade mark goes on merrily.

I ask this House to consider whether it wȧs not desirable on the part of the Joint Committee to have introduced in the Bill certain provisions along the lines on which I have given my amendments. It should have been provided by the Joint Committee by suitable provisions, by introducing an additional clause 89A if necessary, whereby notwithstanding anything that is said in the Code of Criminal Procedure. It should be possible to file a complaint for offences mentioned in clauses 78 and 79 in a court under whose jurisdiction the aggrieved party has got either its main registered office or a branch office. This is very necessary because without that I am afraid the entire Act is going to pieces.

The same thing would apply with regard to modification of the Code of Civil Procedure in its application to civil proceedings under this Bill. That, to my mind, is most important.

There is, of course, I understand, an agrument that if they permit the aggrieved party to launch prosecutions at the place where its registered office is situated, will not the accused be placed at a disadvantage? Therefore, in my amendment I have made the provision that it should be open to the accused party to make an application to the High Court, and the High Court may ultimately decide whether, having regard to the circumstances of the case, the trial should be within the jurisdiction where the aggrieved party has its registered office, or it should be at a place where the offence has been committed. And surely, the thing could be left to the High Court to decide in the light of the circumstances, and there would be no fear of any injustice being done.

Also, in this connection, we have got to bear in mind that in 99 per cent of the cases where complaints or civil proceedings are filed in respect of infringement of trade marks, it is the aggrieved party that is in the right, because unless a company has got well-known, well-advertised goods with a very well known trade mark, nobody would bother to imitate or infringe that trade mark. And our experience in law courts also shows that the aggrieved party has a just cause, I would dare say, in 99 per cent of the cases. It is the small, petty manufacturer who infringes trade marks, and it is very difficult to track him.

Therefore, I submit that the major point has been missed by the Joint Committee and unless we make provisions in this connection, all the good provisions of this Bill will have no meaning to my mind. It is no use giving ample rights to the owners of trade marks and then provide him with a legal remedy which it is impossible to exercise for the enforcement of those rights.

The second point which has to be noticed is that in many cases it is in the interests of the public that the law should be properly enforced. It should not be felt that because in a stray case, one in a hundred, perhaps some hardship is caused to the accused or the defendant, in 99 per cent of the cases such impediment should be placed in the path of the aggrieved party exercising his rights. I submit that it is in the interests of the public that this amendment should have been made.

There is another point to which I would like to invite the attention of the House. The remedy provided for infringement is—what? Two or three years. In the first place, it is very difficult to obtain convictions, because today also we find that numerous trade marks are being infringed and nobody bothers about that. But the punishment provide is two or three years. I should have liked that Joint Committee to have taken a serious view of these infringements. Firstly, a minimum term of imprisonment should have been prescribed. Secondly, the law should have laid down the seizure of goods of the offending party. Naturally he would have been a trade man or a factory owner, and his stocks should be seized and frozen on the principle that if he is imitating, for example, the trade marks of certain drugs, it is a most dangerous thing to do. Then the whole stock must be seized and frozen. There should have been power given for this purpose.

[Shri Naushir Bharucha]

Thirdly, I should have prescribed disqualification for such manufacturers for a period of three years or so for making application for any trade marks People who are anti-social, who have not got the slightest scruples in exploiting either the distress of the people or their pressing requirements, must be disqualified from applying for any trade mark whatsoever on the ground that they are unfit by their conduct to have any trade mark.

And last but not the least I would suggest what may seem rather a strange and novel procedure but what to my mind appears extremely good Whenever a person has been convicted, let us say, for using false trade marks or labels on drugs and other articles, he should be compelled for a certain period by the Judge or the court trying him, to place a board in a prominent place in his own shop saying that his firm has been convicted under the Trade and Merchandise Marks Act Unless we resort to new methods of penalty, these old provisions for imprisonment extending to two years and three years have no meaning, especially in view of the fact that it is extremely difficult to catch hold of the offenders and bring them to book Therefore, my submission is that the entire conception of punishment should have been completely altered

Apart from that, there is one thing which has been brought out in the minutes of dissent I agree with those who have appended their signatures to the minutes of dissent that in many cases petty manufacturers do not require that their trade 'marks should be protected all over the country. All that they ask for is that they should be protected within the limits of a certain State or within a certain number of districts. I think in India there are something like 256 districts; at least, that used to be the case some years ago; I do not know exactly how many there are today. And each district means about 5,000 square miles Surely, the petty, traders, quite a large number of whom go in for an application for registration of trade marks do not require all-India protection; and provision should have been made in the Bill for application for limited purposes Similarly, benefit should have been given either in the form of low fees or mitigation of other conditions of application, so that petty traders could have their rights protected within certain districts only.

Also, it has been provided that there should be a separate branch of trade marks registry, but it has not been mentioned that every State should have it. I think this is such an important subject on which depends the commercial honesty and integrity of our manufacturers, that order to promote that facility should be provided by the establishment of trade marks registry in every State. I do not think there is a single State in our country where the registry office will not facilitate and help the manufacturers or trade mark proprietors

These are some of the main objections to the Bill, which have not unfortunately been met in the Joint Committee I would, therefore, appeal to the Minister in charge to see that these defects are remedied. It is no use giving to the public a Bill which is sound on paper, but which in its application may prove totally ineffective I have, therefore, drawn the attention of the Minister to these aspects, and I hope that he will apply his mind to them.

Shri Panigrahi (Puri) I would like to welcome the Bill as it has emerged from the Joint Committee, because some improvements have been effected on the original Bill, but I would like to make a few observations of a general nature.

Under the present scheme of the Bill, we envisage only four or five branches of the trade marks registry. That is because Government think that there are not enough cases for our going in for a trade marks registry in each of the States in India. But I would like to plead for that on behalf of the petty manufacturers who are having their business in every State of India. From my own experience, I can cite a few instance. In Orissa, in almost every district. there are a number of manufacturers of *biris*, soaps, and also special kinds of foods. But these *biris* or soaps have not got an all-India market, or they do not aspire to have an all-India market. That is because they have not invested the required amount of money or capital by which they can aspire to expand their trade into a wider market covering the whole of India. But, sometimes, it has happened that some rich petty merchants in Calcutta because they have got enough capital with which to go in for cases or to file suits have filed cases against so many of these traders or petty merchants who manufacture *biris* or soaps in Orissa in unknown places, and these petty merchants or traders from Orissa have been dragged to court for months and years together. As a result, they have suffered heavily; and they have been completely rooted out from their petty business which was a source of income to them. So, I would like to plead for these petty manufacturers of *biris*, soaps and special types of food or edible oils which have got a limited market only.

In this connection, I share the feelings of my hon. friend Shri Naushir Bharucha who has also supported this view. When we are not proposing to open a branch, in every State, of the trade marks registry at least some provision should be mede for these petty manufacturers or traders who do not have big aspirations or who do not aspire to have an all-India market for their products, but who want a limited trade within a particular area or within a particular zone. These points should be taken into consideration seriously by Government, so that we can afford some relief to the petty traders and manufacturers.

I would like to draw the attention the Minister to clause 3. Here, the jurisdiction of the High Court extends to the trade marks registry which is situate within that particular zone. Suppose there is a branch office in Calcutta, and there is a petty trader who has his place of business somewhere in Koraput district; naturally, if any merchant in Calcutta files a suit against him for infringement or for any action against him, that petty trader from Koraput will have to come all the way to Calcutta to fight his case. That is very expensive for him. If he goes twelve to thirteen times to Calcutta, I think the entire capital which he has invested in his trade will completely go out, and within a year, he will be completely finished by the big merchant who sits in Calcutta. So, for the present, when we are not proposing to have a trade marks registry in each State of India, which we say we cannot afford today, in order to provide some relief to the petty traders at least we can empower the High Court in each State to receive appeals or to hear cases of these small petty traders where the place of business of the traders is situate.

Secondly, I would like to refer to clause 11. In that clause, provisions have been made for prohibiting the registration of certain marks. We welcome that. But we had suggested, and I would still like to press for it, that the symbols of political parties should also be prohibited under this clause. But there is no such provision in this clause. It may be that in certain places in India, there may be a fascination for a pair of bullocks. If any trader uses this symbol of the pair of bullocks as his trade mark, or, for that matter, the symbol of any political party, then, the political parties are not in a position to say that nobody can use their symbols. So some provision should be made to

[Shri Panigrahi]

see that symbols of political parties are not used as trade marks by different traders.

In this connection, I would also like to point out that the names of leaders of political parties also should be prohibited from being used as trade marks. We find in the market today 'Mahatma Gandhi *bidis*' and 'Jawaharlal Nehru Snuff' and many such things. How to prevent it? Tomorrow someone may probably use a trade mark 'EMS Snuff' profiting by the name of some person who is becoming popular. The question is, how to prevent this. Some provision should be made so that the names of leaders of political parties, which have really got a stake in our country, whom we all respect should not be used as symbols by nefarious traders to make profit out of such names The provision in the clause is not very clear. It does not say that names of political leaders or political parties which have got a stake in India today are not to be used. So a specific provision prohibiting the use of such names should be made in the Bill.

Then I will refer to clause 109. In the original Bill, though under clause 70 we gave certain powers to the Central Government to intervene in certain cases, still the right of appeal was provided for. But according to the present scheme of the Bill—clause 109—there is no right of appeal against any decision of the Central Government. It is possible—it is sometimes a fact also—that to err is human.

For any Government to err is natural, and for the present Government to err is very natural. So at least provision should be made for appeal against any decision of the Central Government.

With these few words, I would like to request the hon. Minister that these harmless suggestions of mine may be accommodated in the scheme of the Bill so that we give a comprehensive and complete enactment to our people.

Mr. Speaker: Shri C. R. Pattabhi Raman.

Shri V. P. Nayar: On a point of order. There is no quorum in the House. There are hardly 20 Members in the House.

Mr. Speaker: They are anticipating lunch time! Anyway, the bell may be rung.

I intend appointing a Committee with the consent of Members to make the House more interesting. Not that it is not interesting now. There is no place outside, either in Delhi or anywhere else in the country which is full of such eminent men and women as this House. There cannot be any more representative Assembly. I am not able to understand why this is being made greater use of. I shall receive all suggestions to make it more interesting so that no Member may leave it.

Shri Asoka Mehta (Muzaffarpur): On a previous occasion, you had said that you would offer us coffee!

Mr. Speaker: I have no objection.

Shri Panigrahi: There must be some scarcity everyday.

Mr. Speaker: I would like to make the proceedings as interesting as possible so that Members may continue to sit here.

Shri T. B. Vittal Rao (Khammam): More time should be given for Opposition Members to speak.

Mr. Speaker: I will do so.

At least, the hon. Deputy Ministers may sit here.

Shri Feroze Gandhi (Rai Bareli): Parliamentary Secretaries also. There are 54 in all.

Mr. Speaker: The moment any hon. Member becomes a Deputy Minister, he ceases to take interest in the general work of Parliament. These Deputy Ministers confine themselves to their immediate work; they are detached because they become 'nominal' Members of Parliament. Hereafter, I will also call upon them to speak on other subjects.

Now, there is quorum. Shri C. R. Pattabhi Raman.

Shri C. R. Pattabhi Raman: Mr. Speaker, Sir, we have now got a comprehensive piece of legislation governing trade and merchandise marks and, if I may say so, it is really a compliment to Government that to a Bill which covers nearly 100 pages they have had only four amendments from only one Member, Shri Naushir Bharucha, and the rest of the Bill has not been adversely commented upon by any one in the House.

We have profited by the experiences of countries like the United Kingdom and Australia so far as trade marks law is concerned, and we have endeavoured to bring ours in line with present-day legislation. As you are aware, the principles governing trade marks ownership have changed and we have sought to catch up with the advances made in this direction. In this, as in many other instances, there cannot be any policy of *laissez faire*, pure and simple.

I shall confine myself to the amendments tabled by Shri Naushir Bharucha. The first seeks to fix the jurisdiction of criminal courts in respect of offences under clauses 78 and 79. Under the ordinary criminal law, offences are triable within the jurisdiction of the court within whose limits they have been committed. There is, for example, section 177 of the Criminal Procedure Code. This amendment seeks to alter the provision by vesting jurisdiction in courts within whose limits the registered office of the proprietor of the trade mark is situate. Such an amendment is not only unnecessary but will also lead to a lot of harassment. The alleged accused may be a poor person residing in one corner of India. He may, for example, be in Kanya Kumari. Fancy his being dragged to Calcutta where the registered office would be. To say that he can always move the High Court and get suitable remedy is hardly an answer because even to move the High Court, he will have to travel to Calcutta. I submit that in a poor country like India it will lead to a lot of harassment if this amendment of Shri Naushir Bharucha is accepted.

In the second amendment, he wants deletion of all references to the Sea Customs Act. In clause 90, reference is made to the relevent clauses of the Sea Customs Act. The object seems to be that nothing with reference to the Sea Customs Act should be referred to in the Trade and Merchandise Marks Act.

Shri Naushir Bharucha: I shall speak when we are in the clause by clause stage of the discussion. I cannot reply now.

Shri C. R. Pattabhi Raman: I thought I might take note of what fell from the hon. Member. I have been a Member of the Joint Committee myself. I feel a certain delicacy in referring to these matters. But I thought I would take time during the general discussion.

So far as the Sea Customs Act is concerned, that itself refers to the Trade Marks Act in two or three places. It refers to false trade descriptions which are all matters being regulated by this law. And this being a consolidated Bill, there must be reference here to the various relevant sections in the Sea Customs Act also.

With regard to 'prosecutor' and 'defendant' which are raised in the third amendment of his, I am not really fighting for the words. It is

[Shri C. R. Pattabhi Raman]

true that in the Indian Merchandise Marks Act, 1899, these expressions are used, namely, prosecutor and defendant. I am not going to fight for words so far as that is concerned, but the intent is clear. Therefore, I do not see any substance in that amendment also

So far as the fourth amendment is concerned, that is the civil aspect of it, the Civil Procedure Code, section 20 will regulate the place or *situs* where the proceedings are to be instituted. That enshrines well-known equitable principles; and I would submit that there is no need at all to alter those well laid principles. Actually, there is a lot of case law on the subject; and all the benefit that we have got from out of the various decisions will vanish the moment we try to change *situs* so far as civil suits are concerned.

Shri Panigrahi was referring to the harassment of the poor person. There too, I want to impress on him that so far as the action of infringement is concerned, it is the District Court which, in the first instance, has the jurisdiction. He will be pleased to note that 'in any Court inferior to a District Court' is referred to. Therefore, in the first instance, the action will be in the District Court. Appeals may be in the High Court later on. So, I submit there won't be any harassment so far as the poor person is concerned.

With these words I submit that the Bill be accepted by the House

Shri Panigrahi: What about appeals?

Shri V. P. Nayar: Mr. Speaker, I do not want to go into the detailed provisions of the Bill. I say that the Bill as it has emerged from the Joint Committee has, no doubt, made some improvements to the original Bill. I want to impress another point about this legislation. I am afraid that in drafting this Bill, Government has not paid any particular attention to the context of our economy and the role which trade marks play at the present time.

We know several cases where trade marks are being used for relentless exploitation, especially by firms which have roots elsewhere. We know that the trade mark is different in its concept from either a copyright or a patent. But, what is the position in our country today? When tooth paste, for example, can be made by anybody, there are tooth pastes with certain trade marks and backed by a very powerful medium of advertisement over which they spend lakhs and lakhs of rupees. When some of us go to the market, we have a particular preference to a tooth paste with a particular registered trade mark. And, what does that contain? We know that the art of advertisements has developed to such an extent today that it can rightly be called the commercial art of harnessing the lie to the truth Whatever we see in the advertisements may not be there at all We find that there is hardly any tooth paste or tooth brush with a registered trade mark which does not have all the desirable and necessary qualities. What is it that we find? All of us who use such pastes and brushes, relying on the trade mark and also relying on the advertisement, find to our dismay that not merely do they have no effect but they bring some more trouble also. It happens in the case of other patent drugs. We know of fruit salts with a trade mark with nothing of the fruit in it at all. There are other remedies for chronic diseases.

My point is that when our people are suffering from chronic diseases they will try to take anything. Because there is a trade mark and because unfair competition is sought to be protected, what is called a trade mark comes to their help and they can do anything with it.

There are specifics for asthma. We find in the daily papers even cures for leprosy available for one rupee. They sell in thousands. I submit that Government has not paid any attention to this aspect especially in view of the plunder and loot which results from the uncontrolled use of the trade marks by certain monopoly manufacturers.

When I speak of this I am reminded of an instance where one of the leading manufacturers of India with a trade mark for Chicken Essence has been manufacturing chicken essence without touching a chicken. And it so happened that when there was a case of a worker in a Tribunal it came out that the chicken essence was all along being manufactured out of veal with a higher protein content. When the technician was asked why the chicken essence did not contain the protein content of the chicken the answers was that as there was a ban on the sale of veal they necessarily had to resort to something. The point was that the chicken essence manufactured by that company had either veal or beef but no chicken.

In our place there is another racket. There is a famous medicine with a trade mark called the *Karinkurangu Rasayanam*—that is, an extract of the black monkey. And thousands of lbs. of that are sold from the shops in almost every village. There are many manufacturers using similar trade marks and saying that it is black monkey extract. Our forests do not have so many black monkeys.

Once I casually walked into the manufacturing house of one particular firm and asked for one or two hides of these black monkeys. They said that it was only an advertisement. As Shri Bharucha says, because he had a trade mark he managed to sell hundreds and thousands of lbs. of something which he called a *rasayanam* made out of the vitals of the black monkey. What have we done to prevent it? It is not only a question of exploiting but it is exploiting to a measure which we must cry a halt to at this juncture. I am sorry that in this Bill there is no attempt at all, although we know that the protection of the trade mark is entirely of a different nature.

As far as I could understand, trade mark has certainly to be taken as entirely different in legal character from a patent or a copyright because in the case of a trade mark, as we all know, the symbol adopted which gives the right to protection designates the goods for something. It may not be so in the case of the copyright. That is all the more reason why when we protect a private right, the right to profit, by legislative measures and safeguards against unfair competition or unhealthy competition, it is our duty also to see that, using such protection which is afforded by special legislation, such people should not cause any trouble to the public. The public interest is also involved in such measures and I am sorry to say that Government have not paid any attention to this.

I would also refer to another point with regard to which I thought Government ought to have had some provisions in this Bill. There are so many other enactments which have some bearing on this patent law and I am not going into them. My hon. friend, Shri Bharucha was saying something about the Tata Bar soap. I personally do not see any harm in a manufacturer imitating it for practical purposes, because a local manufacturer finds to his dismay that unless he imitates something of a reputed manufacturer with a trade mark he cannot sell his goods. Secondly, the manufacturer whose trade mark he wants to imitate or whose pattern in the manufacture he wants to imitate has spent crores of rupees to market his goods. They have money enough to spare at the rate of eight annas in the rupee for advertisement. We have no control in this. The trade marks are

[Shri V. P. Nayar]

advertised in such a way that they create a fascination among the entire people although it does not at all mean that the advertised goods will conform in quality to the advertisement.

Therefore, in such cases when monopoly capital employees a trade mark exploitation of the people, we should have some check to see that at least the goods which they sell conform to certain standards and also observe certain rules.

These are the matters for which the hon. Minister should have used this occasion to bring forward certain measures. I am sorry to say again that he has not considered them.

There is also a third aspect of the problem, the aspect of profit. We know that in some cases pills are sold at two annas Take, for example, ordinary ANACIN or ASPRO of some of these pills which we commonly use. I was amazed the other day to hear that in these the profit is nothing less than 500 per cent. Every man with a headache necessarily goes to a shop and buys one pill. The pill has a trade mark; and behind this particular trade mark there is an international combine. The entire machinery of advertisement available in this country through the daily Press and other medium of advertisement is there What do we do? It is because there is a trade mark It is certainly not necessary that to get relief of a headache or a cold one should necessarily use a particular pill or a pill with a particular trade mark. Anybody can make it but the only thing is that people cannot sell Nothing can be imitated as there is the infringement of the trade mark law. Therefore, only the biggest manufacturer can push his goods. In this law, there is nothing that we could do. If the Government had taken particular care and had a perspective to legislate keeping in view what we have to do and also taking into account how the exploitation is being made by the powerful combines, I am sure then that Government would have thought of some measure whereby the unhealthy employment of these trade marks in commerce and trade could have been prevented. I wish the hon. Minister pays same attention to this and ensures that, while we protect the rights to sell merchandise under particular trade marks, we also take into account the public interest involved in it and take some measures whereby the maximum benefit would be afforded to the public.

Shri Kanungo: My task is very simple since there is scarcely any notice of any amendment except Shri Bharucha's which we will take up when the relevant clause comes up. In any case, the arguments of Shri Bharucha have been sufficiently met by my hon friend, Shri Pattabhi Raman

Shri Bharucha referred to the enhancement of the severity of the punishment. I would ask the House to remember that trade mark and the property of trade mark have a very limited application; the property here is intangible. The value of a trade mark depends upon the effort, labour and investment which is made by a person in popularising his mark in association of the particular goods to which that trade mark refers. The provision that any false trade description would be an offence ensures to a great extent that wrong descriptions are not associated with trade marks in advertisement and popularising and marketing goods under a particular trade mark, sufficient care has been taken so that false qualities are not attributed.

Profits etc. had been referred to by Shri V. P. Nayar. I suppose the fiscal provisions of this House have got enough teeth to take care of that. If anybody chooses to be misled and to buy a tooth paste or something else the intrinsic worth of which is nothing almost, I suppose the remedy lies elsewhere.

Shri V. P. Nayar: Where?

Shri Kanungo: That means the prevention of the number of mugs growing in this country and this is not the only one country where there are mugs. The whole world is now under the influence of high pressure advertisements.

Shri V. P. Nayar: I have a better opinion of my country.

Shri Kanungo: I have a better opinion of myself and my country. That is what I say. Our country is less susceptible to this high pressure advertisement than other parts of the world. Therefore, as I submitted earlier in this House, we should confine our attention to the limited purpose of this piece of legislation and should not import other purposes and objectives into it.

I am glad that there was a considerable amount of support in this House for this Bill in the shape in which it has come. Whether we make it more restrictive or less restrictive will depend upon the circumstances and I would submit the conditions of trade and economic development in our country being what they are this Bill as placed before the House serves the purpose adequately. I would only invite the attention of the House to Chapter VI of the Bill which provides the necessary strategic control upon factors of exploitation which are inevitable because of our undeveloped condition in industry and trade. A careful perusal of that chapter will show that adequate powers have been taken and will be exercised in consonance with the conditions existing at the time. When the conditions change it will be the duty of this House and of the executive Government of the time to suggest the necessary amendments.

Shri Bharucha has suggested that the protection offered to registered owners is almost illusory in the sense that it looks so good in the paper but it is difficult to implement. All that is provided for in this Bill is some facility for registration and certain privileges flowing from that registration remembering all the time that a trade mark has its value to the proprietor irrespective of the registration rights flowing under the common law whether it is registered or not. These rights exist and they are respected by the courts. Registration merely gives, if I may say so, certain privileges regarding the prescriptive value of the rights. The purpose being limited to that extent, I submit that the Bill as amended by the Joint Committee is the best that could be suggested to the House for acceptance.

13 hrs.

Mr. Speaker: The question is:

> "That the Bill to provide for the registration and better protection of trade marks and for the prevention of the use of fraudulent marks on merchandise as reported by the Joint Committee, be taken into consideration."

The motion was adopted.

Clause 2.—(*Definitions*)

Mr. Sepeaker: The question is:

> "That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Shri Kanungo: There are amendments only to clauses 89, 90, 91 and 105.

Mr. Speaker: So, I shall put clauses 3 to 89, together.

The question is:

> "That clauses 3 to 89 stand part of the Bill."

The motion was adopted.

Clauses 3 to 89 were added to the Bill.

New Clause 89A

Shri Naushir Bharucha: Sir, I beg to move:

Page 55,—

After line 6, *insert*—

"89A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, a prosecution for an offence falling under Section 78 or Section 79 of this Act in relation to a trade mark *may* be instituted in the Court of a Presidency Magistrate or of a First Class Magistrate having jurisdiction in the place where is situate the registered office or the principal place of business in India or the address for service in India of the Company or other proprietor of the trade mark in question in the case.

(2) A prosecution may also be instituted in the Court of a Presidency Magistrate or of a First Class Magistrate having jurisdiction in the place where a branch office of the company or other proprietor of such trade mark is situate if such place is nearer to the place where the offence has been committed than the registered office or the principal place of business referred to in sub-section (1)

(3) A High Court within the limits of whose appellate jurisdiction a prosecution under sub-section (1) or sub-section (2) has been instituted may on an application made to it by or on behalf of the accused, order:

(a) that such cases be transferred to any other court' within such limits; or

(b) that the prosecution be stayed and the complainant be directed to institute a fresh complaint in a court outside such limits having jurisdiction in the place where the cause of action accrued:

Provided that the High Court is satisfied that the complaint does not disclose offence of a serious nature and that grave inconvenience and expense would be caused to the accused if the complaint were allowed to be heard and determined in the court in which it has been instituted.

(4) If a fresh complaint as directed by the High Court's order made under sub-section (3) is filed within two months of the date of the said order, the original complaint shall be deemed to have been withdrawn with the Court's permission. The period of limitation mentioned in Section 92 shall not apply to the fresh complaint so filed. If no fresh complaint is filed within two months as aforesaid, the original complaint shall be dismissed by the Court in which it was filed."

I shall analyse the implications and incidentally try to answer the point which has been raised by my hon. friend Shri C. R. Pattabhi Raman. Sir, my amendment falls into four parts. In the first place I have said that "notwithstanding anything contained in the Code of Criminal Procedure, a prosecution for an offence falling under section 78 or Section 79 of the Act in relation to a trade mark may be instituted in the Court of a Presidency Magistrate or of a First Class Magistrate having jurisdiction in the place where is situate the registered office or the principal place of business in India or the address for service in India of the company or other proprietor of the trade mark in question in the case."

It is true that this section seeks to alter the principle underlying the Code of Criminal Procedure that the place where a person should be prosecuted should be the place where the offence has been committed. Now let us make a distinction between the offences under the Code of Criminal Procedure and those committed under this Act. Supposing, for instance a murder is committed, it is obvious it must be tried in the place where the offence was committed. But in this case, if we turn to clauses 78 and 79, we will find that a variety of offences are described, and the very nature of the offences is such that they could be simultaneously committed at several distant places by different persons. It is not as if there is one specific offence which is committed by one particular person. Here the aggrieved party may be called upon simultaneously to go to several States, a dozen States, or scores of towns, where the same offence is committed. If we say that the aggrieved party must run to the various States it means that it has to run all over the country, instead of all those offenders being brought to one place. It is humanly impossible if effective implementation of the Act is contemplated, that any aggrieved party will successfully carry on litigation in a dozen different places. It is absolutely impracticable. In other words if litigation is to be carried on at so many different fronts it will be humanly impossible to seek redress. So, what I suggest is that notwithstanding anything contained in the Code of Criminal Procedure, having regard to the nature of the offences, the party should be brought and tried, where the aggrieved party has his place of business.

The second point is this. Supposing a particular aggrieved party has got several branches. It has been provided that the complaint can be instituted in a court nearest to the offender. The idea is that, as far as possible, inconvenience caused to the accused should be minimised. Take for instance the case of a manufacturer having his office in Bombay. The offence is committed at Calcutta. If he has got a branch office there the proceedings must be instituted in Calcutta. The High Court is given power, if necessary, to see that a complaint is not instituted where the principal office is situated, but only where the offence is committed. My hon. friend while criticising this said: supposing the offender, the accused person, is in Delhi, is it just and fair to ask him to go to Bombay or Calcutta? If a person has committed an offence and if there is *prima facie* evidence, I do not see any reason why that person should not be subjected to that much of inconvenience. As the scheme of the Bill now stands, the aggrieved party is to be subjected to all inconvenience, but not the accused. As I asked, how is it humanly possible for an aggrieved party to run to a dozen different places? The more popular the goods the greater the number of imitations and therefore it is no use making an enactment, ulness we provide a practical remedy. In view of the changing and complex commercial system everywhere, our old notions of law have to be revised. It is no use trying to go along the beaten path and expect certain results to follow.

It is considered that in some cases out of sheer spite a person may be prosecuted and probably brought from a distant place. Surely in that case the power can be given to the court to prescribe that before the admission of the complaint the prosecuting party should be made to deposit a certain amount in the court out of which the expenses of the accused will be defrayed. Let us appreciate the fact. When a complaint is instituted in a criminal court the complainant has to produce not only his trade mark but also the label and the trade mark which has been imitated. If there are packages and cartons they have to be produced. Often the imitation is so complete that there is not a shred of doubt which way the judgment will go.

Therefore my submission is this. Unless you do this it is humanly impossible for the proprietor of a trade mark to resort to a remedy which can be useful to him.

Shri Achar (Mangalore): I am afraid I have to oppose this amendment. No doubt this law regarding trade marks is cleverly and ingeniously offended in several parts of the country. We know in the practical

[Shri Achar]

administration of this branch of law it is very difficult to book the persons. I do see that point which my hon. friend Mr Bharucha has in mind. Often it is done so cleverly that it is almost impossible to find out the offence and the man who is aggrieved finds it still more difficult to prosecute the person. That may be true. But on account of that we cannot change the common procedure of law. Of course it is a commonplace that just because there is a complaint against a person, even if it is a *bona fide* complaint, it cannot be said that a person should be asked to proceed somewhere else and the trial should be there. The presumption of law is that every man is innocent until the contrary is proved. We cannot have any prejudice against that man. Therefore, it is not only the person who is aggrieved who has to be taken into consideration, but we have to consider this aspect of the matter from the point of view of the accused also When we look at it from that point of view, I am inclined to think that the general principle of law is quite correct even with regard to trade marks offences. Therefore, I feel the amendment has to be opposed, and I oppose the amendment.

Shri Mulchand Dube (Farrukhabad): Mr. Speaker, Sir, I am afraid I must also oppose the amendment moved by my hon. friend, Shri Bharucha. If the argument of my hon. friend is accepted, it will revolutionise the entire law of jurisdiction. He wants that a person who, according to the prosecution, has committed an offence must be dragged to the place where the prosecutor lives or carries on his business. He asserts that on the assumption that it is only the prosecutor, or the person whose trade mark has been infringed, who is the aggrieved person. He does not seem to take into consideration the fact that the person against whom the complaint has been made may also be an aggrieved person. There may be no basis for the complaint. The complaint may be absolutely baseless, and the prosecutor may be absolutely wrong as to whether an infringement has or has not taken place. Similarly, Sir, in the case of civil cases the jurisdiction lies at the place where the cause of action accrued or where the defendant resides. It is wrong on principle to start proceedings at the place where the plaintiff resides. Therefore, it is a revolutionary amendment and against all principles, I submit, of the law of jurisdiction. I, therefore, oppose the amendment.

Shri Kanungo: Sir, the Trade Marks Owners' Association, which submitted a very well reasoned memorandum to the Joint Committee and also tendered evidence before it, never suggested that the *situs* of the trial should be shifted as suggested by Shri Bharucha. They did bring out all the difficulties which a complainant has to face either in civil or in criminal proceedings connected with trade marks, and, certainly, they argued before the Joint Committee about the infringement of physical property as distinct from the infringement of property in a trade mark. All they wanted was that the offences should be made cognizable, so that search, discovery and all that could be done by the Government's prosecuting agency. But they never suggested that the *situs* should be changed either for the civil law or for the criminal law.

The Joint Committee gave considerable thought to these submissions and came to the conclusion, with which the Government agree, that the present conditions being what they are, there is no ground to undertake a violent change in the established procedural law, both civil and criminal. Also, after a great deal of discussion and consideration, the Joint Committee decided that criminal offences under this particular legislation should continue to be governed by the summons case procedure of the Criminal Procedure Code. Certainly prosecution is rather difficult in any summons case as compared to a cognizable case, but the distinction has been made deliberately—certain offences have been made cognizable and certain other offences have been made non-cognizable. Therefore, Sir, there is no ground for making this violent change in the established procedural law, both civil and criminal, of the country.

There is one more little point. I would submit, Sir, that it is not mereby the complainant or the accused in criminal law, or the plaintiff and dedendant in civil law, who are concerned. There are witnesses also and, in any case, wherever is the *situs* of the trial, the witnesses have to go and give evidence. The convenience of the witnesses, I submit, for the purposes of justice, is also important. Therefore, I am sorry I cannot accept this amendment.

Mr. Speaker: I shall now put the amendment, amendment No. 1 seeking to introduce New Clause 89A, to the vote of the House.

The question is:

Page 55, after line 6, *insert*—

> "89A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, a prosecution for an offence falling under Section 78 or Section 79 of this Act in relation to a trade mark may be instituted in the Court of a Presidency Magistrate or of a First Class Magistrate having jurisdiction in the place where is situate the registered office or the principal place of business in India or the address for service in India of the Company or other proprietor of the trade mark in question in the case.
>
> (2) A prosecution may also be instituted in the Court of a Presidency Magistrate or of a First Class Magistrate having jurisdiction in the place where a branch office of the company or other proprietor of such trade mark is situate, if such place is nearer to the place where the offence has been committed than the registered office or the principal place of business referred to in sub-section (1).
>
> (3) A High Court within the limits of whose appellate jurisdiction a prosecution under sub-section (1) or sub-section (2) has been instituted may on an application made to it by or on behalf of the accused, order:
>
> (a) that such cases be transferred to any other court within such limits; or
>
> (b) that the prosecution be stayed and the complainant be directed to institute a fresh complaint in a court outside such limits having jurisdiction in the place where the cause of action accrued:
>
> Provided that the High Court is satisfied that the complaint does not disclose offence of a serious nature and that grave inconvience and expense would be caused to the accused if the complaint were allowed to be heard and determined in the court in which it has been instituted.
>
> (4) If a fresh complaint as directed by the High Court's order made under sub-section (3) is filed within two months of the date of the said order, the original complaint shall be deemed to have been withdrawn with the Court's permission. The period of limitation mentioned in Section 92 shall not apply to the fresh complaint so filed. If no fresh complaint is filed within two months as aforesaid, the original complaint shall be dismissed by the Court in which it was filed."

The motion was negatived.

Clause 90—(*Evidence re: Goods imported by Sea*)

Mr. Speaker: Then we come to clause 90.

Shri Naushir Bharucha: Sir, I beg to move:

Page 55, lines 9 to 11,—

> *omit* "or under clause (d), clause (dd), clause (e), clause (f), clause (h), clause (i), or clause (j) of section 18 of the Sea Customs Act, 1878."

Sir, I may be allowed to briefly say what is intended by this amendment. Clause 90 reads as follows—it relates to evidence of origin of goods imported by sea:

> "In the case of goods brought into India by sea, evidence of the port of shipment shall, in prosecution for an offence under this Act or under clause (d), clause (dd) clause (e), clause (f), clause (h), clause (i) or clause (j) of section 18 of the Sea Customs Act, 1878, be *prima facie* evidence of the place or country in which the goods were made or produced."

The words sought to be omitted are those with reference to section 18 of the Sea Customs Act. The idea is that these words could fit in more appropriately under the Sea Customs Act rather than in the Trade and Merchandise Marks Act It is not my intention that the purpose of these particular words should not be fulfilled. The only point is that these words fit in more appropriately under the Sea Customs Act. After all, what does this clause 90 say? It says that where goods are brought into India by sea then evidence of the port of shipment shall be *prima facie* evidence of the place or country in which the goods were made or produced Where does the question of clauses (d), (dd), (e), (f), (h), (i) and (j) of section 18 of the Sea Customs Act come in. If it is sought to be enacted under the Sea Customs Act also, the same presumption should apply. Then this particular section should be lifted and put in there. That is why I have put in this amendment saying that these words should be deleted. It is not that I want to whittle down the scope of that, but the proper place for these words is in the Sea Customs Act and not in the Trade and Merchandise Marks Act.

Shri Kanungo: Sir, the original clause 90 as introduced in the Bill reads as follows:

> "In the case of goods brought into India by sea, evidence of the *port of shipment* shall, in a prosecution for an offence under this Act or section 18 of the Sea Customs Act, 1878, be *prima facie* evidence of the place or country in which the goods were made or produced."

The Joint Committee discussed this matter and decided that the words "under clause (d), clause (dd), clause (e), clause (f), clause (h), clause (i) or clause (j)" should be included. They wanted to make it more explicit. Therefore, when the matter has been discussed thoroughly and this has been done, and the purpose of the Mover of the amendment is the same, I do not think that these words should be deleted

Mr. Speaker: The question is:

Page 55, lines 9 to 11, *omit*

> "or under clause (d), clause (dd), clause (e), clause (f), clause (h), clause (i), or clause (j) of section 18 of the Sea Customs Act, 1878."

The motion was negatived.

Mr. Speaker: The question is:

> "That clause 90 stand part of the Bill"

The motion was adopted.

Clause 90 was added to the Bill.

Clause 91—(*Costs of defence or prosecution*)

Shri Naushir Bharucha: I beg to move:

Page 55, *for* clause 91, *substitute*

> "91. In any prosecution under this Act, the Court may order such costs to be paid by the accused to the complainant, or by the complainant to the accused, as the Court deemed reasonable having regard to all the circumstances of the case and the conduct of the parties. Costs so awarded shall be recoverable as if they were a fine."

This clauses relates to costs of defence. It will be observed that clause 90 related to goods imported into India by sea. Now, clause 91 says:

> "On any such prosecution as is mentioned in section 90, the court may order costs to be paid to the defendant by the prosecutor or to the prosecutor by the defendant, having regard to the information given by and the conduct of the defendant and prosecutor respectively"

The idea is this So far as my amendment is concerned, I say why should cost be made payable by one party or the other only in cases where the goods have been imported into India by sea and not otherwise. Why should there not be a general clause whereby sea and not otherwise. Why should either the complainant pay the cost to the accused or the accused to the complainant, whatever the case may be instead of restricting the question of payment of costs only to those cases which fall under clause 90 My amendment is this:

> 'In any prosecution under this Act,"—

It is not merely confined to those prosecutions which arise out of clause 90.

> "...the Court may order such costs to be paid by the accused to the complainant, or by the complainant to the accused, as the Court deemed reasonable, having regard to all the circumstances of the case and the conduct of the parties. Costs so awarded shall be recoverable as if they were a fine".

My amendment, therefore, makes the scope of clause 91 logical. There is no logical reason why costs in cases falling under clause 90 only should be awarded and not in other cases. Surely, it is not the intention, I presume, of this hon. House or the Minister in charge to say that in other cases costs must not be awarded. It is a very big flaw, and I think the Minister should look into it

Shri Kanungo: I would only mention that this clause, as it stands, has been bodily lifted from the existing Mercantile Marine Act. There must be decisions based on the wording as it stood, and as it stands, here. However, I have no objection to accept the amendment as moved by Shri Naushir Bharucha.

Mr. Speaker: Is he accepting it?

Shri Kanungo: Yes, Sir.

Mr. Speaker: The question is:

Page 55, *for* clause 91, *substitute*—

> "91. In any prosecution under this Act, the Court may order such costs to be paid by the accused to the complainant, or by the complainant to the accused, as the Court deemed reasonable having regard to all the circumstances of the case and the conduct of the parties. Costs so awarded shall be recoverable as if they were. a fine."

The motion was adopted.

Mr. Speaker: The question is:

> "That clause 91, as amended, stand part of the Bill"

The motion was adopted.

Clause 91, as amended, was added to the Bill.

Clause 92 to 105 were then added to the Bill.

Clause 105A —(*New clause*)

Shri Kanungo: I would suggest to Shri Naushir Bharucha that he need not move it, because we have argued it already

Shri Naushir Bharucha: I am, of course, moving it, but I am not going to make a long speech. I beg to move:

Page 58, *after* line 14, *insert*—

"105A (1) Notwithstanding anything contained in the Code of Civil Procedure a suit or other proceeding in respect of a cause of action arising under section 78 or section 79 of this Act in relation to a trade mark may be instituted in a civil court of competent jurisdiction in the place where is situate the registered office or the principal place of business in India or the address for service in India of the company or other proprietor of the trade mark in question in such suit or proceeding

(2) A suit or other proceeding may also be instituted in a civil court of competent jurisdiction in the place where a branch office of the company or other proprietor of such trade mark is situate, if such place is nearer to the place where the cause of action arose than the registered office or the principal place of business referred to in sub-section (1)

(3) A High Court within the limits of whose appellate jurisdiction a suit or proceeding under sub-section (1) or sub-section (2) has been instituted, may on application made to it by or on behalf of the defendant order:

(a) that such suit or proceeding be transferred to any other court within such limits; or

(b) that the suit or proceeding be stayed and the plaintiff be directed to institute a fresh suit or proceeding in a court outside such limits having jurisdiction in the place where the cause of action accrued:

Provided that the High Court is satisfied that the cause of action disclosed in the plaint is not of a serious nature and that grave inconvenience and expense would be caused to the defendant if the suit or proceeding were allowed to be heard and determined in the court in which it has been instituted

(4) If a fresh suit or proceeding as directed by the High Court's order made under sub-section (3) is filed within two months of the date of the said order, the original suit or proceeding shall be deemed to have been withdrawn with the Court's permission If no fresh suit or proceeding is filed within two months as aforesaid, the original suit or proceeding shall be dismissed by the court in which it was filed."

The point that I am making is that these arguments which arise in relation to the criminal cases are also the same and they hold good in relation to civil proceedings, because, between them there is no difference, so far as the hardship to the complainant or the accused party is concerned.

I might only add that the previous amendments Nos. 1 to 3 and this amendment, relating to these provisions, were drafted on the advice of a Presidency Magistrate of Bombay, who for many years, held the post of the Chief Presidency Magistrate. It is not as if I am giving these amendments without adequate reason. I have made slight modifications so that they would be logical. If it is the wisdom of the hon. Minister and the House to throw it out, I cannot help it.

Shri Kanungo: I have already replied to these points before. I do not want to take the time of the House any more on them. I do not accept the amendment.

Mr. Speaker: The hon. Member evidently does not press his amendment. I need not put it to the vote of the House.

The amendment was, by leave, withdrawn.

Mr. Speaker: The question is:

"That clauses 106 to 136 stand part of the Bill".

The motion was adopted.

Clause 106 to 136 were added to the Bill

The Schedule, Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri Kanungo: I beg to move:

"That the Bill, as amended, be passed".

Mr. Speaker: Motion moved:

"That the Bill, as amended, be passed"

Shri L. Achaw Singh (Inner Manipur): The present Bill seeks to consolidate the different enactments in regard to trade and merchandise marks. After coming out from the Joint Committee, it seems the Bill has been improved a lot, and it has found the general acceptance of the House. Most of the changes in this Bill are based on the recommendations of Mr. Justice Rajagopala Ayyangar. In the Joint Committee most of the differences have also been ironed out and most of the amendments and suggestions have been accepted by the Government. That is why this is a better Bill and also an improved one.

There have been conflicting opinions on many of the provisions of this Bill, and the Government has tried its best to compose all the differences and accommodate all the different viewpoints. The aim in introducing this Bill is to protect genuine trade marks and also to protect the genuine consuming public and discourage the use of fraudulent trade marks. Trade marks have now become, like other items of industrial property, like patents, designs and copyrights an industrial property. The law seeks to guarantee to each man the profits accruing from his property. It is highly essential that in the interests of trade, commerce and public health, unfair and improper trade practices should be suppressed and that fair and legitimate competition is not unduly interfered with. So, the Bill has been able to achieve this double objective.

It should be noted that this legislation has a limited purpose namely, to define the rights and privileges and the liabilities and obligations of the parties who take the trouble and the precaution of registration. The working of the Trade Marks Act of 1940 emphasises the fact that it is necessary to provide better facilities to merchants in distant parts of the country for registration of their trade marks. A provision has been made for the establishment of branch offices of the Trade Marks Registry in different parts of the country. In the interests of better co-ordination of the administration and greater efficiency as well as economy, the two departments, namely, the Trade Marks Registry and the Patents Office, have been amalgamated under one head. That is also provided in this Bill. In order to safeguard the interests of the proprietors, provision has also been made in clause 3 to provide machinery for the enforcement of their rights in a very clear and unambiguous way.

With regard to the criminal laws relating to false trade marks and

[Shri L. Achaw Singh]

false trade descriptions, the penel law has been strengthened properly and adequately. The punishment has been increased to two years and three years respectively. The practice of selling spurious goods, particularly drugs and medicines, is widespread in this country. The punishment for offences relating to false trade marks and false trade descriptions has been enhanced and the definition of trade marks and trade descriptions has also been expanded.

It seems to me that there has been a controversy with regard to the power of the Government to intervene in certain matters. In the original Bill, there was provision for appeal against the decision or direction of Government with regard to certification trade marks in Part B of the register, but that has been done away with now, and no appeal can lie in any court against the order or direction of Government. I am of the opinion that the powers are sweeping and too much and there is no necessity for such a provision Such powers of the Government should be done away with.

In regard to clause 9 which deals with the opening of Part B of the register, it has been found necessary that there should be such a register for those trade marks which could not be included in Part A, in the interest of the export trade in the country. Provision of Part B register has been necessitated because the pre-requisites for registration in Part A have been found to be too rigid. Now it has been made less rigid. For that the Government should take the necessary precautions and see that it may not be too wide In certain countries, there is a provision of making some deposits because of the large number of applications made by different persons. But our country is unsuited for such a system. So, I request the Government that they should take enough precautions with regard to entry in Part B register.

Mr. Speaker: It was pointed out here that Gandhiji's portraits were associated with beedis, etc. Is there any provision to prevent that?

Shri Kanungo: That has been provided for; it cannot be done.

Mr. Speaker: Probably the hon. Minister is thinking of clause 14. It makes a reference or creates an impression that the particular article belongs to a particular person. Clause 14 says:

> "Where an application is made for the registration of a trade mark which falsely suggests a connection with any living person or a person whose death took place within twenty years prior to the date of application..." etc

Of course, nobody will think that Gandhiji was connected with it, merely because his portriat appears on a cigarette packet It is absurd to associate Gandhiji with that. Then, merely for the love of the portrait of Shri Ramchandramurthi and Sita, it is used in advertisements. Some people brought these advertisements and said, "Look, is this the method?" I am afraid clause 14 does not serve the purpose. It is not as if Gandhiji has got connection with that, but all the same, it is wrong Even now it is not too late. This is so dangerous. In our country, any person, however big he may be, may be associated with a bottle of whisky Sufficient provision has not been made for that in this Bill. Fortunately, they have saved women. Their names are not associated with drinks and cigarettes.

An hon. Member: Portraits of Lakshmi are used.

Mr. Speaker: Even now it is not too late. If it goes to that House and comes back to this House with a suitable amendment, there is no harm. There must be something done for this. I am sorry I am not sitting there to make a suggestion.

Shri S. M. Banerjee (Kanpur): They use these portriats in the hair cutting saloons.

Mr. Speaker: There is no harm, if we pass the Bill. The hon. Minister may think over it and remodify clause 14 so as to cover this. Even if it goes to that House, an amendment may be made and brought to this House. It seems to be very wrong that we should allow such advertisements and trade marks.

Shri Naushir Bharucha: I want to make one or two observations. Firstly I would like to know what is the intention of the Government with regard to establishing different branch offices for registration of trade marks in every State. Apart from what the law says, I want to know whether it is the intention of the Government to see that in every State one branch office is opened. I would like to know whether the reason is only administrative, or whether there are any difficulties in connection with that, apart from the question of expenditure that be involved.

Secondly, I have got my doubts as to how this Act will really function. I am still of the opinion that very grave difficulties would be encountered by the aggrieved parties in prosecuting the offender. I would like to ask whether the Government could place before this House a sort of administrative report as to how in actual practice this particular Act will function, because unless we have some sort of report from the hon. Minister about the functioning of this particular Act, I think the House will remain in ignorance about it. People will continue to suffer the hardships and infringement of trade marks will continue to take place. If, for instance, we can know from an annual report or some other periodical report that certain difficulties have to be encountered, then the House may suggest certain amendments. I would like to have a reply from the Hon. Minister to these two questions.

13.38 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Shri Panigrahi: While going through this Bill, a doubt arose in my mind as to whether there is any provision for protecting a *bona fide* user of a false trade mark. For instance, suppose in England there is a person by name Ford He may not be an efficient engineer, but still he somehow forms a company, manufactures cars and exports them. Similarly, suppose there is a person whose name is Pears. He may not be a very worthy man, but still he manufactures soaps in his name and sells them. Some *bona fide* trader in India imports those Ford cars and Pears soaps and sells them. I want to know whether there is any protection in this Bill for such a person who imports such kinds of soaps and cars which are really not worthy of use, but still so far as that person is concerned, he honestly believes that they are genuine and worthy of use.

Shri Kanungo: With regard to Mr. Bharucha's suggestion, this point was raised in the Joint Committee and the Joint Committee added a new clause.

Shri V. P. Nayar: Mrs. Bharucha?

Mr. Deputy-Speaker: I also heard it as Mrs. Bharucha.

Shri Kanungo: The Joint Committee has added a new clause, clause 126, which makes it obligatory for the Government to place before the House the report of the Registrar every year.

Shri Naushir Bharucha: I wanted to have a report from the Government about the functioning of the Act. The Registrar's report may not

[Shri Naushir Bharucha]

cover any thing more than what is required. We want to know what difficulties are encountered in the actual enforcement of the provisions of the Bill.

Shri Kanungo: I can only say that he may wait for the first report. After going through the report, if he wants to place any suggestions before the House, he may communicate with me. We will see whether Government can collect this information and whether it is worthwhile collecting it and placing it before the House.

Regarding the other point by the hon. Member opposite about appeals, the right of appeal has been curtailed only in such cases where the decision of the Government is of an executive nature. Wherever there is an element of judicial nature, the right to appeal is always there. But, as a matter of policy, certain orders of Government are not appealable. It was thoroughly discussed in the Select Committee.

About the problematical question which was posted by Shri Panigrahi, I would suggest that he may consult a competent solicitor. I have nothing more to add.

Mr. Deputy-Speaker: The question is:

> "That the Bill, as amended, be passed."

The motion was adopted.

13.43 hrs.

CENTRAL SALES TAX (SECOND AMENDMENT) BILL

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): Mr. Deputy-Speaker, I beg to move:

> "That the Bill further to amend the Central Sales Tax Act, 1956, as reported by the Select Committee, be taken into consideration."

I had already explained to the House the important changes proposed to be made by the Bill at the time of moving the motion for reference to the Select Committee. I do not, therefore, wish to take the time of the House by recapitulating them now.

Shri V. P. Nayar (Quilon): When there is plenty of time, nobody wants to take time.

Mr. Deputy-Speaker: Those who usually complain should utilize this opportunity.

Shri V. P. Nayar: I never complain about time.

Shrimati Tarkeshwari Sinha: I would touch only a few changes made by the Select Committee and reply to some of the points raised by the hon. Members in their minutes of dissent.

In clause (2) of the Bill, the definition of "place of business" has been redrafted to include also the place of business of an agent where a dealer carries on business through such an agent This would resolve any posisible doubt in determining the State which could levy the tax in cases where dealers with one place of business in one State move goods to a different State through brokers or agents In a minute of disssent an apprehension has been voiced that the definition of "place of business", as adopted, would result in taxation by two States of a single transaction of inter-State sale. I want to dispel any such doubt. In clause (6) of the Bill it has been clearly laid down that that State alone from which movement of goods commences would normally have jurisdiction to levy tax on that sale.

In clause (5), another important change has been made to the original draft Bill, and the scope of that amendment is fully explained in the report of the Select Committee, which has been already circulated to the hon. Members.

I would also refer to one other minute of dissent in which it has been suggested that the rate of tax on inter-State sales to unregistered dealers or consumers in other States should be fixed at 5 per cent instead of 7 per cent. But, as hon. Members are themselves aware, two types of transactions are contemplated in the Act, *viz.* (1) transactions between registered dealers of one State and the registered dealers of another, and (2) transactions between registered dealers of one State and unregistered dealers or cosumers of another. In levying sales-tax on inter-State trade the main intention is to ensure that some revenue accrues to exporting States without raising unduly the burden of tax on consumers in the importing State. For this purpose, the rate of tax applicable on inter-State sales between registered dealers in one State and registered dealers in another is fixed at a nominal rate of one per cent. The importing State will be able to recover its own tax on the re-sale of goods by the registered dealer within its area.

But where transactions take place between registered dealers in one State and unregistered dealers or consumers in another, this low rate of tax will not be suitable, as it is likely to encourage the avoidance of tax. The dealers in the exporting State may set off intra-State sales as inter-State sales, thereby avoiding sales-tax of their own State. They may also, in collusion with the dealers in the importing State, encourage suppression of re-sale of the goods within the importing State, thereby avoiding sales-tax of the importing State altogether.

It is only to avoid evasion of the State sales-tax that it has been provided in the Act that transactions of this type should be taxable at the same rate which exporting States impose on similar transactions within their own territory. Such a provision existed in the principal Act itself.

But, unfortunately, due to the multifarious systems of sale-tax prevalent in the different States, it was found difficult to determine the rate of tax leviable on certain transactions. Instances also come to our notice that inter-State sales to registered dealers of other States suffer the tax of one per cent, while direct sales to unregistered dealers or consumers were not taxable at all. Thus, not only inter-State sales-tax, but also the sales-tax of the importing States were avoided altogether.

Normally, evasion of sales-tax was taking place when consumers or unregistered dealers of other States directly imported certain special goods like automobiles, radios etc. from out of the State dealers. The House might be aware that recently we advised the State Governments to adopt a scheme by which the State sales-tax on 15 subjects, such as automobiles etc., should be fixed uniformly at 7 per cent throughout India. It, therefore, follows as a corollary that under the Central Act too the rate of tax for a direct inter-State sale to a consumer should also be a uniform rate of 7 per cent. Quite apart from this consideration, even on other goods the rates of tax vary in almost all the States from 4 to 5 per cent., in respect of commodities imported from out of the State. Adding the incidence of Control sales-tax of one per cent. the ultimate incidence will work out to be at least 5 to 6 per cent. Taking all these factors into consideration, the rate of tax has been fixed at 7 per cent. Thus, a rate of 7 per cent for a direct inter-State sale to a consumer is quite reasonable. Our intention is to plug effectively the loophole in the evasion of State sales-tax.

The alternative higher rate provided in the Act will be of a very limited application to sales of certain special goods emanating from a State like Bombay, which imposes tax at the rate of 10 per cent on some of those items.

[Shrimati Tarkeshwari Sinha]

I may also bring to the notice of the House that the rate of 7 per cent. will not apply to direct sales of declared goods at all nor to the goods which are generally exempt under the Sales Tax law of the exporting State, nor to the goods which are taxed at rates lower than 1%. Besides, the State Governments have an overall discretionary power under section 8(5) of the Act to exempt or to reduce the rate of tax of 7% in suitable cases where they consider it expedient to do so in public interest.

As the House is aware, the Bill has been drafted after a long and detailed consultation with the State Governments and most of the recommendations of the State Governments have been incorporated in the Bill and they have been given due consideration. A Select Committee has examined the Bill also and has improved the Bill further by adopting certain minor amendments

With these words, I move

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Central Sales Tax Act, 1956, as reported by the Select Committee, be taken into consideration."

Shri Kodiyan (Quilon—Reserved—Sch. Castes): Mr. Deputy-Speaker, Sir, the hon. Deputy Minister has just now referred to some of the points raised in some of the minutes of dissent with regard to this Bill, but I regret that she has not referred to some of the other important points raised in another minute of dissent presented by Shri V. P. Nayar and Shri K. K.Warior. I feel that the points raised in that minue of dissent are very important.

According to this Bill, that has emerged from the Select Committee, newspapers are being exempted from the Central Sales Tax and it has been stated that according to item No. 92-A in List I of the Seventh Schedule of the Constitution, it is not possible for the Central Government to bring the newspapers under sales tax, but I may point out that in item No. 92 of List I of the Seventh Schedule, it has been clearly pointed out that taxes on the sale or purchase of newspapers and on advertisements published therein can be resorted to by the Central Government.

Another objection has also raised and that, I understand, is that under article 269 of the Constitution it is not possible to have this tax. But when I look to article 269 of the Constitution, I find that there is clear provision for this tax. Under sub-section (f) it is stated "taxes on the sale or purchase of newspapers and on advertisements published therein", but according to this article, i.e., article 269, there is only one condition that has been placed over this particular article, i.e., section (2). But that deals with the distribution of the proceeds of the taxes so collected between the States and the Centre.

Therefore, what I understand is that nowhere in the Constitution it is stated that newspapers cannot be taxed at all by the Centre so far as sales tax is concerned. I would, therefore, request that newspapers also, specially the chain papers which are making a considerable amount of profit every year, should be brought under the purview of this Bill.

There is one more point that I wish to submit in this connection and that is, especially after the introduction of the decimal system of coinage, that the newspapers have increased their price. I don not say that all the newspapers have enhanced their price, but some of the important papers have increased their price. Newspapers, which used to be sold formerly at 2½ annas, under the pretext of rounding off the value in naya paise, have increased their price to 16 nP. That means an increase of about half naya paisa per paper. That will bring a profit of a considerable amount so far as these important papers are concerned.

The other day the House discussed the Working Journalists (Fixation of Rates of Wages) Bill and several hon. Members pointed out how the owners of newspapers are making a plea of their inability to provide more wages to the workers. Several other hon. Members pointed out how this industry, at least some of the newspapers, is thriving. Therefore, there is no justification in exempting the newspapers from the purview of this Bill. Of course, I hope that the hon Deputy Minister will answer this particular point.

I want to bring out only one more point and that is about the question of preventing large scale evasion of taxes. In our country, it is common knowledge that evasion of taxes takes place on a large scale. The other day the hon. Deputy Minister of Finance, I think, answering a question in the other House said that income-tax arrears have come to about Rs. 270 crores or something like that. There are innumerable ways by which big businessmen and other interested sections in the business community try to evade the taxes.

With regard to a particular item which can be brought under the purview of the Central Sales Tax. *i.e.*, vegetable oils, evasion is going on unchecked. India being the biggest producer of vegetable oils, if the Government persists on transactions of vegetable oils, of course it will be a great source of income to our national exchequer, but it is told that here in this particular field, evasion is going on. How to prevent this evasion? One suggestion has been made in this minute of dissent that if the sales tax on vegetable oil is added on to the excise duty, this evasion can be prevented completely. I am of the strong opinion that such a change must be made so that our exchequer may get more money for meeting our requirements. These are the main points that I wish to bring out to the hon. Minister. I hope she will reply to my points and clear my doubts.

14 hrs.

Shri S. M. Banerjee (Kanpur): Mr. Deputy-Speaker, my hon. friend Shri Kodiyan has mentioned certain salient features referred to by Shri V. P. Nayar and Shri Warior. I need not touch those points. I have read with keen interest the minute given by Shri Chandak. I absolutely agree with him when he says that the Government of India must be aware that at present different rates of sales tax are charged on the same commodity in different States. Then he goes a step further and refers to the irregularities about sales tax. I have got this bitter experience of sales tax in the U.P. I remember the day I came to this hon. House. I have been asking the hon. Minister whether or not a uniform basis can be found for the application of sales tax in the various States. I may mention for information that Shri Lokanathan was entrusted with the study of Sales tax procedure and its structure in the Madras State. He has also suggested that in fairness, there should be a uniform sales tax in all the States. I do not know the reason—whenever we ask about this particular thing, we are told that it is for the States to accept this suggestion. Some time back, there was a conference of State Finance Ministers here in Delhi. Most probably this matter was also discussed, but no final decision could be arrived at. The only decision which was arrived at is that for 15 items, sales tax was to be levied on a uniform basis and that too at 7 per cent. My submission is that by not applying sales tax on a uniform basis, this particular action on the part of the State Governments and on the part of the Central Government has hit all the businessmen, especially the small businessmen in all the States. There is no reason why it should not be done, on a uniform basis. I fully agree with my hon. friend Shri Chandak when he says—he is one of the Members of the Select Committee—

"These irregularities can be prevented if the Central Sales Tax

[Shri S. M. Banerjee]

> Act is made more comprehensive embracing all the items on which sales tax is charged and put a uniform rate in all the States."

I realise from the various statements and answers of the hon. Minister in this very House that it is a big source of revenue to our State Governments. That may be correct. Is it not a fact that the businessmen in the various States are suffering for lack of uniformity in sales tax? If this is an admitted fact and if the hon. Minister also agrees with it partially or wholly, may I submit humbly, why not accept this suggestion and levy sales tax on a uniform basis.

Another point which I wish to refer to is, what is the basis of this 7 per cent? Another Member of the Select Committee has stated that this should be reduced to 5 per cent—I think it is Shri Radha Raman. For this also, there is no sound basis. It is only said, we feel this is a good basis of levying a 7 per cent sales tax on 15 commodities. But, why have the other commodities not been brought under this uniform application of sales tax procedure? It is said that the State Governments have discretionary powers to reduce the sales tax. May I know from the hon. Minister whether any State Government has realised the difficulties faced by the various businessmen and whether in any State they have reduced the sales tax, whether they have used this discretionary power for reducing it? My information is that the State Governments have not done it. They may do if there is some advice. I do not say, something mandatory. There may be something recommendatory or some advice on behalf of the Central Government to the State Governments to see that the business community as such may *not* completely lose all faith on the sales tax procedures and there may not be more sales tax evasion. Because, I feel that the rigidity about certain rules and the not applying of it on a uniform basis have resulted in tax evasion. Our intention is to make this system of realising sales tax a foolproof system wherein nobody is able to evade and evasion may come to an end. But, the fact is that there is income-tax evasion to the tune of crores of rupees, and there is sales tax evasion—I do not know; this may also be to the tune of crores if we consider India as a whole.

Then, about sales tax on food commodities—*foodstuff*—in the U.P., when food prices are going up, when 300 or 400 people in the Eastern districts of U.P. have died......

The Deputy Minister of Labour (Shri Abid Ali): How many?

Shri S. M. Banerjee: Three hundred people. It may be 3 according to the hon. Minister....

Shri Abid Ali: Which place?

Shri S. M. Banerjee: This does not come under Labour Ministry. In the Eastern districts of U.P.

Shri Abid Ali: Which place?

Shri S. M. Banerjee: Deoria, Gorakhpur—Sir, this time should not be counted as I am replying—in the Eastern districts of U.P., 300 men. This was stated in the State Assembly and it was not completely denied by the hon. Minister there. My statistics may be wrong. It may not be 300; it may be 150. When food prices are rising so high in the U.P., there is sales tax on foodstuff. Could I not possibly suggest to the hon. Minister to see whether at least foodstuff can be exempted from the purview of sales tax? Is it not high time when our Government is trying so much to bring down the prices of foodgrains, that we should also consider the suggestion and see that there is no sales tax *on foodgrains*?

Then, about medicines, today Shri V. P. Nayar mentioned about the exhorbitant price of certain medicines which the shop keepers are selling to the patients. There is no fixed price.

If some medicine is required for some epidemic, it can be sold at Rs. 13 even though it is worth only Rs. 8. Even after that, there is this sales tax on medicine. Therefore, there is a genuine request from all quarters, from all political parties in U.P., that at least these two things, medicines and foodstuffs, should be exempted from sales tax. So, my submission is, when we bring certain amendments to the Central Sales Tax Act, why not discuss the entire Act once for all, get the opinion of all political parties, of all shades of people, and then amend the Act in a way which is acceptable to all.

I do not think that every amendment is moved or brought with any bad motives. I welcome certain features of this particular Bill But I must submit very humbly that after some time you will have to bring more amendments again. So, it is better that efforts are made to call a conference of all the State Finance Ministers, and at the same time invite all sections of people from this House itself, get their opinion and then some uniform basis or procedure or amendment should be brought to the Central Sales Tax Act This will be very necessary in my opinion

I want a specific answer from the hon. Minister as to why up to this time sales tax could not be applied on a uniform basis. This is a question which everybody asks and in U.P. it is 6½ per cent; not only that, it is multi-point in some States and single-point in some States. If you ask, they say there is no uniformity. Some eminent economists have recommended this, and Members of the Select Committee are recommending this. So, may I know from the hon. Minister whether in her reply she would also consider this matter, whether this question will be reviewed once for all to end the heart-burning of the small businessmen?

When sales tax was merged with excise duty, I welcomed it. That is very welcome because sales tax at the source point definitely avoids tax evasion, and everyone in the country hailed that decision of the Government. In the same way, why cannot that be done on a uniform basis. If it is done, I assure the House and the hon. Minister that tax evasion will be less, because the small businessmen with all their honesty, just to avoid this jugglery and the complicated procedure of sales tax and to keep their body and soul together, do all sorts of tricks, not all with a bad motive. There are sharks in the country here and there, they do it, but the system and procedure of the sales tax and its non-uniform application have completely broken the backbone of the business community as a whole. That is why I wish the hon Minister may throw some light on this, and I hope he or she will do it.

Shri Achar (Mangalore): I only wish to answer one point that was just now raised by the Kerala Communist Member with regard to sales tax regarding newspapers

I really thank the Ministry and the Government very much for showing this mercy to these small papers especially.

The Member who supported the inclusion of newspapers also for sales tax evidently was thinking of only the barons of the fourth estate, but what is the position of the newspaper industry as a whole in the country? In fact, I referred to that when I was speaking on the Working Journalists (Amendment) Bill. The Press Commission has gone into this question elaborately and has come to the conclusion that more than Rs. 6 crores have been invested in this industry, and the income they are deriving is hardly Rs. 6 lakhs, not even one per cent. That is the position of the industry. We must not think of only a few big newspapers and then say they are making profits, have sales tax also on them. I would request the Members to consider the position of the industry as a whole, and especially of the smaller, the language papers. I would

[Shri Achar]

even draw the attention of the Member who raised this objection to their own papers I know in South Kanara how their organ is getting on.

Shri V. P. Nayar: We pay sales tax from the revenues. It is collected and paid.

Shri Achar: Yes, and so it is easily said. I know when the newspapers are sold, where exactly it is collected and how it is paid.

Apart from that, what is the position of this industry as a whole? Even considering the aspect of the question the hon Member has mentioned now, are the newspapers capable of passing on the tax to the subscriber? It is a conceded fact that they are not able They are not able to raise the subscription even when the price of newsprint goes up When that is the position, if sales tax is levied, can it be passed on to the consumer? With all respect I submit it will not be possible

As I have pointed out, it is not a prosperous industry, and especially the small newspapers in the mofussil are in great difficulties, and they are closing one after another

Shri V. P. Nayar: May I interrupt the hon Member? He seems to think that we have put in our Minute of Dissent for levying sales tax on all newspapers If he would be kind enough to read it he will find we have only suggested that on the inter-State sale of newspapers with a circulation of about 10,000 the Centre may levy sales tax. Small newspapers do not have so much of inter-State sales I believe.

Shri Achar: Where the exemption limit will commence is a different aspect of the matter. Except probably a *few* of the bigger magnates, what is the position? Especially under the present *conditions* of a rise in the price of newsprint I would submit it will not be fair to tax these newspapers, particularly as they will not be able to pass on this tax to the subscriber.

I am really very thankful to the Government for granting this exemption to the newspapers from sales tax.

श्री मूलचन्द दुबे (फर्रुखाबाद). उपाध्यक्ष जी, यह सेल्स टैक्स बहुत से मुल्को में लगा हुआ है और हमारे यहां भी ज्यादातर राज्यों में लागू है । पर इसमें इस बात की जरूरत है कि यह हर राज्यों में एक तरह का होना चाहिये । ऐसा मालूम होता है कि गवर्नमेंट तो इस बात की कोशिश कर रही है कि यह टैक्स हर सूबे में एक सा लागू हो मगर इसके लिये लोग राजी नही हो रहे है । फिर भी गवर्नमेंट की यह कोशिश है कि कोई ऐसी तरकीब हो कि वे लोग राजी हो सकें और सब जगह एक ही तरह का टैक्स लिया जाये ।

इस सिलसिले में मैं यह बात खास तौर से कहना चाहता हू कि जो छोटे व्यापारी है उनको इस से बचाना चाहिये मैं आपके सामने एक छोटी सी मिसाल रखना चाहता हू । गल्ले के व्यापारी चालीस चालीस पचास पचास मन माल घोड़ो पर या और जानवरो पर लेकर बाजार में अपने गावो से आते हैं । अब अगर वह रोज ५० रुपये का भी माल लायें तो वह महीने में १५०० हो जायेगा और साल भर में दस हजार से ज्यादा का हो जायेगा । मै चाहता हू कि इस किस्म के व्यापारियों को जो थोड़ा थोड़ा माल लेकर मंडियों में अपने घर से आते हैं, या छोटे काश्तकार अपना अनाज लेकर और दूसरी चीजें लेकर आते हैं उनके ऊपर इस तरह का टेक्स आयद न हो, जो कि अभी आयद हो जाता है । लिहाजा कानून में इस तरह की तरमीम होने की जरूरत है कि जो लोग इस तरह का छोटा काम करते हैं यह टैक्स न लगाया जाये । इन लोगों के पास न कोई दुकान होती है, न कोई बही खाता

रहता है जिससे वह ठीक ठीक हिसाब किताब रख सकें। तो मैं गवर्नमेंट से दरख्वास्त करना चाहता हूं कि इस में इस तरह की तरमीम कर दी जाये।

इसके अलावा, जैसा कि अभी मेरे एक दोस्त ने कहा, अनाज पर से कम से कम यह टैक्स हटा दिया जाना चाहिये, क्योंकि आजकल गेहूं डेढ़ सेर का बाज बाज जगह बिक रहा है। मेरी कांस्टीट्यूएंसी फर्रुखाबाद से मेरे पास खबर आई है कि वहां गेहूं डेढ़ सेर का बिक रहा है और कोई भी गल्ला सवा दो सेर से ज्यादा नही बिक रहा है। फिर भी अगर टैक्स लगाया जायेगा तो इससे यह और भी ज्यादा महंगा हो जायेगा। गवर्नमेंट को यह देखना चाहिए कि जो फिजा आज उत्तर प्रदेश में, बिहार में और दूसरे कमी वाले इलाको में फैल रही है उसको देखते हुए इस टैक्स को गल्ले पर लगाना कहां तक ठीक होगा। लिहाजा जो कार्रवाई की जाये वह लोगो की सहूलियत को ध्यान में रख कर की जाये और जहां तक अनाज का ताल्लुक है उस पर तो सेल्स टैक्स न हो तो बहुत अच्छा हो और छोटे छोटे व्यापारियो पर तो किसी तरह भी टैक्स नही होना चाहिए। इतना ही मैं अर्ज करना चाहता हूं।

Shri Naushir Bharucha (East Khandesh): It appears that in the heap of arguments that are being advanced from one side or the other, the major purpose of the Second Amendment Bill is being forgotten. Probably, the House is aware that the original Act which was passed ran into nine printed pages, and the Second Amendment Bill also runs into nine printed pages, which indicates that Government amendments are often as long as the original Acts. Why? That is so because the whole thing has not been thought out in one comprehensive measure and an Act enacted so as to cover all possible contingencies. Today, we are discussing the Second Amendment Bill, and I can assure this House that perhaps in less than a year's time, the Minister will come forward with the Third Amendment Bill. Where the whole thing will end, we do not know.

Let us grasp the purpose of the principal Act, and then see what we are doing really means. It should be recalled that the original Act was passed because there was a Supreme Court judgment interpreting article 286 of the Constitution, under which the question arose as to the *liability* of a dealer to pay tax, and whether the State Government in one particular State could collect it or another State as well. As a result of that judgment, a peculiar position arose, and the dealers in Bombay State were required to be registered in Orissa or elsewhere in any other part of India where they happened to send their goods. Naturally, in order to prevent that difficulty, the original Bill was brought forward, that is, to avoid the difficulty in fixing the place of sale and also to avoid multiple sales tax.

The original Act of 1956, therefore, laid down the principles determining when a sale takes place. It is a very important legal point, namely, when a sale takes place, firstly in the course of inter-State trading, secondly, when the sale is deemed to have taken place outside a State, and thirdly, in the course of imports and exports. Then, the original Act laid down the principles for levy and collection and distribution of the tax. It declared certain goods as of special importance in inter-State commerce, and it specified the restrictions and conditions subject to which the State Legislature could impose sales tax on declared goods. But the original Act forgot one thing, namely that it did not provide the stage at which the salex tax on goods was to be levied.

Now, what is the scheme of the present Bill? The major purpose is to avoid multiple tax by levying sales tax at the first stage. With great res-

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pect, I submit, that even now, that purpose is not achieved. The Bill as it has emerged from the Select Committee does not achieve what the amendment seeks to achieve.

The present Bill, clause 3 retains section 6 of the principal Act intact and adds another sub-section. Section 6 of the original Central Sales Tax Act reads thus. I might read it out, because it is necessary to understand it; otherwise, we shall be repeatedly coming forward for amending this Bill without achieving the purpose.

> "Subject to the other provisions contained in this Act, every dealer shall, with effect from such date as the Central Government may, by notification in the Official Gazette, appoint, not being earlier than thirty days from the date of such notification, be liable to pay tax under this Act on all sales effected by him in the course of inter-State trade or commerce during any year on and from the date so notified.".

This does not at all say at what stage the sale is deemed to have been concluded nor does it state at what stage the tax is to be levied. Now, improvment on this is sought to be made by the amending Bill. Let us see what the amending Bill says. Clause 3 which seeks to improve upon section 6, retains the whole of section 6 and then says that a new sub-section will be inserted, namely:—

> 'Notwithstanding anything contained in sub-section (1), where a sale in the course of inter-State trade or commerce of goods of the description referred to in sub-section (3) of section 8—
>
> (a) has occasioned the movement of such goods from one State to another; or
>
> (b) has been effected by a transfer of documents of title to such goods during their movement from one State to another;
>
> any subsequent sale to a registered dealer during such movement effected by a transfer of documents of title to such goods shall not be subject to tax under this Act: . . . .".

subject to the provision that a certificate is produced. Let us see whether the idea that tax is to be levied at one particular stage is achieved by this or not. It is not achieved, because the new sub-section only says:

> (a) "where a sale. . . .".
>
> (a) has occasioned the movement of such goods from one state to another."

And still we are left adrift as to when a particular sale has occasioned the movement of goods from one State to another, as I shall presently show by an illustration Also, it only says:

> "where a sale. . . .
>
> (b) has been effected by a transfer of documents of titles "

during transit. Then, it says that in such cases, the subsequent sale to a registered dealer shall not be taxed, subject to the necessary certificate being produced. All that the amending Bill says is that there shall be a tax at one stage only, but it does not say necessarily the first stage.

Let us take an illustration. Suppose a mill-owner of Bombay contracts in Calcutta, while he happens to be in Calcutta, for sale of goods at Madras. Then, apply this wording, and you find that the difficulty arises immediately. The operating part of the present amending Bill is:

> 'Nothwithstanding anything contained in sub-section (1) where a sale in the course of inter-State trade or commerce of goods of the

description referred to in sub-section (3) of section 8—

(a) has occasioned the movement of such goods from one State to another;".

Now, from which State has the movement been occasioned? Would it be Bombay or the State of Bengal where the agreement was arrived at? We do not know. The result will be that Bombay State will claim tax saying that the principal office of the mill is at Bombay, and therefore the liability to pay is in Bombay. But the Bengal Government may say that the agreement has been signed in Calcutta, and therefore, the movement of the goods has been occasioned or started from Calcutta. Still, we do not know. As if this is not enough, the Select Committee has complicated the matter still further by providing a definition of the 'place of business'.

If we turn to clause 2 at page 2, we shall find that 'place of business' is defined as follows.

(dd) 'place of business' includes—

(i) in any case where a dealer carries on business through an agent (by whatever name called), the place of business of such agent; ...".

What does this mean? Suppose, for instance, a dealer carries on business through an agent

It may be a commission agent or it may merely be a *muccadam* who does the work of forwarding and despatching, let us say, bales of cloth. Supposing even for convenience's sake, the goods are transhipped at one particular place, because transhipment is necessary, and the agent or *muccadam* has to see that the transhipment takes place properly, it is immaterial by what name I call him; he is my agent under this Bill. Therefore, I am deemed to have carried on business in that particular place of transhipment. For instance, goods have to be transhipped at Nagpur while they are passing from Bombay to any other place. If I keep an agent to facilitate and look after the transhipment at Nagpur, I am deemed to carry on business at Nagpur also! So instead of simplifying the whole thing, we are creating more places of business. Therefore, the original complaint will come back that several States will say that the dealer is liable to pay sales tax in their States. I would ask the hon. Deputy Minister how she proposes to get over this difficulty.

Also, one thing is not clear to my mind Under the Contract Act, the property or the ownership in the goods passes on apportionment, if you apportion the goods to a particular party, in that case, the ownership of the goods passes on to the purchaser. Suppose a contract is entered into at one place—the goods need not be in that place—and apportionment takes place in another place. Which is the place for the purpose of determining the liability of the dealer? It is difficult to make this out.

It would appear to me that in the maze of arguments we are forgetting how the original Sales Tax Act came to be amended and we are also forgetting the major purpose which we seek to achieve by this amending Bill Therefore, I have no doubt that the hon Minister will come a third time for a third amendment of the Sales Tax Act

One of the difficulties in the administration of the Sales Tax Act is that the provisions are complicated. They cannot be rendered simple beyond a particular stage Article 286 of the Constitution itself is very complicated. What is happening is that not even the officers, collectors and so on, know exactly what the provisions are with the result that each sales tax officer thinks that he should not come into trouble for not having charged the tax. So he tells the dealer· 'Whatever may happen to you in other States, pay the tax in this State' Whatever may happen afterwards, it does not matter to him. He is not concerned with what is going to happen to you

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in other States. This is because each sales tax officer seeks his own safety. If he taxes by mistake, refund can be given; but if he fails to collect tax, then he will be held liable.

It is the duty of this House to see that all these difficulties are eliminated. We are trying to bring amendments one after the other. It will perhaps interest the House to know that *within 9 months of the passing* of the first amending Bill, we have come for the second amendment. We will again have to come for the third. This thing has got to stop. Why? Because, apart from the complications it introduces into the Act, the complications in the administration from changing laws are so great that nobody understand exactly what is the position.

I might give an example The Bombay Sales Tax Act was changed 9 times within 18 months because of changes that took place as a result of either the High Court holding that the entire Act was invalid or due to other circumstances. The position here is not much better than what obtains in regard to the Bombay Act.

Therefore, I would appeal to the hon. Deputy Minister and say that the whole question requires to be considered by a committee of lawyers. With very great deference, I submit that this is a question which requires to be considered only by a committee of lawyers. May be that merchants may come and tender evidence and express their views The Bill as it has emerged from the Select Committee, I very respectfully submit, does not solve the major problem which it seeks to solve.

Dr. Melkote (Raichur): I have gone through the amendments and recommendations of the Select Committee. I feel that they are not sufficiently comprehensive.

Generally speaking, the matter that has been gone into has been with regard to the collection of sales tax properly so that evasions may be avoided. But there are other larger questions which have not been tackled. The matter that has been tackled is with regard to the merchant selling his goods to the consumer and how after sale, collection of sales tax could be properly effected. But there are other matters; as one of the hon. Members pointed out, there is the larger question of uniformity of sales tax all over India. This problem bristles with plenty of difficulties because in each State the sale of the particular goods and the quantum thereof vary, and each State has to make a certain amount of collection in order to get sufficient money for its own exchequer. That is one of the reasons why the incidence of sales tax and the method of its collection—whether single-point or multi-point tax—vary from State to State, bringing in lots of difficulties.

For instance, sales tax with regard to bidi varies between Bombay, the ex-Hyderabad State or Andhra Pradesh and Madras in such a manner that business flew from one to the other and a lot of illicit transactions took place between one State and another. Now that sales tax is a Central subject, I felt that this problem of making it uniform so that business may not fly from one State to another would also be considered. But I see that no such problem is being tackled here.

But this is not the main point that I wanted to make. What I wanted to say was that the quantum of sales tax collection has to flow back—and to a large extent does flow back—to the individual State where the tax is collected. In this matter, I had occasion to speak elsewhere where I pointed out that to a large extent, States like Bombay, West Bengal and Madras collected plenty of sales tax because the principal offices were located there, though the consuming public were in different parts of the State in the interior like Punjab, U.P. Andhra Pradesh, Mysore and so on where the States do not have tolls. This is particularly so

in the case of goods that flow in from outside. These goods come into those ports and are subsequently sold in these places to the detriment of the different States.

Therefore, I felt that it should ultimately be the consuming public, that is, the States where these goods are consumed, which should benefit by the imposition of the sales tax. This aspect has not been tackled at all in this amendment. If it has been tackled, and tackled satisfactorily, the hon. Deputy Minister would satisfy me on that point.

I have nothing more to add. I just felt that if this aspect had not been tackled, it would be taken up by the Deputy Minister.

चौ० रणबीर सिंह (रोहतक) : उपाध्यक्ष महोदय, बिक्री टैक्स . . . . .

श्री स० म० बनर्जी : बिक्री कर ।

चौ० रणबीर सिंह : बिक्री कर ही सही । ऐसी भाषा बनाना चाहते हैं, जिस में बंगला भी आ जाये और हिन्दी भी आ जाये ।

बिक्री कर आज देश के लिए बड़े महत्व का टैक्स है और, जैसा कि मेरे पूर्ववक्ता महोदय ने कहा है, अगर हो सके, तो इस को ऐसे ढंग से ढाला जाय, जिससे देश के सब हिस्सों में उस का ठीक ठीक बंटवारा हो सके और उस को ठीक तौर पर लागू किया जाये । इस के अलावा भी मैं समझता हूं कि इस देश में टैक्सेशन के जो प्रिंसिपल्ज़ हैं, वे कुछ अलाहिदा अलाहिदा हैं । एक तो इनकम टैक्स है, जिसे डायरेक्ट टैक्सेशन कहा जाता है । उस के बारे में मैं यह कहना चाहता हूं कि इस देश में वह ऐसे ढंग से लगता है कि ३,२०० और ४,८०० रुपये तक इनकम टैक्सेशन के लिए छोड़ दी जाती है । दूसरी तरफ़ काश्तकारों को लैंड रेवन्यू के रूप में कई दफ़ा घाटे पर भी देना पड़ता है, चाहे उस के यहां कुछ पैदा हो या न हो । पहले आर्थिक विज्ञान में इस बात की बहस हुआ करती थी कि लैंड रेवन्यू रेन्ट है या टैक्स है । लेकिन आज वह ज़माना नहीं है । आज तो सब हिन्दुस्तानियों को बराबर का हक है । ज़मीन के मालिक या तो सब हैं या सरकार है । अब रेन्ट और टैक्स का झगड़ा नहीं हो सकता है । आज उसे टैक्स ही मानना होगा । अगर उसे टैक्स मानेंगे, तो फिर देश के सामने एक बड़ा भारी मसला आता है कि टैक्स के सिलसिले को दो ढंग का कब तक रखा जा सकता है । आन्ध्र प्रदेश की सरकार और असेम्बली ने एक बार सिफ़ारिश कर के भेजी थी कि दस रुपये तक कम लैंड रेवन्यू माफ़ कर दिया जाय । इसी तरह पंजाब असेम्बली ने सिफ़ारिश कर के भेजी थी कि पांच रुपये तक का लैंड रेवन्यू माफ़ कर दिया जाये । प्लानिंग कमीशन ने उन को सलाह दी कि आज के हालात में यह अच्छा मालूम नहीं देता । लेकिन मैं समझता हूं कि शायद उन्होंने यह सलाह इस लिये दी थी कि उन के ख़्याल में कोई दूसरा ऐसा टैक्स न हो जो कि उस घाटे को पूरा कर सके । मैं समझता हूं कि सेल्ज़ टैक्स लैंड रेवन्यू की जगह ले सकता है और लैंड रेवन्यू से जितनी आमदनी होती है, सेल्ज़ टैक्स को ऐसे ढंग से ढाला जाये कि सेल्ज़ टैक्स से उतनी आमदनी हो ताकि काश्तकारों को, जो कि इस देश का बहुत बड़ा अंग है, जो कि सत्तर फ़ीसदी हैं, कोई गिला न रहे कि इस आज़ाद देश में भी उस के साथ सौतेली मां जैसा सलूक किया जाता है ।

जहां तक इस अमेंडिंग बिल का सवाल है, इस में इस बारे में कोई ख़ास ज़िक्र नहीं है, लेकिन मैं इस मौके का पूरा फ़ायदा उठाना चाहता हूं और कहना चाहता हूं कि फ़िनांस मिनिस्ट्री . . . . . .

उपाध्यक्ष महोदय : पूरा फ़ायदा उठाइये, लेकिन नाजायज़ नहीं ।

चौ० रणबीर सिंह : मैं समझता हूं कि यह नाजायज़ नहीं है, क्योंकि काश्तकारों की

[चौ० रणबीर सिंह]

आबादी ७५ फीसदी है और उन मे टैक्स देने वालों की बड़ी तादाद है। उन के हित के बारे में कहने का जिस वक्त भी मौका मिले अगर थोड़ी बहुत भी गुंजायश निकल सकती है, तो सदस्यों को कोशिश करनी चाहिए। इसी लिए मै समझता हूं कि हमारे वित्त मंत्रालय के लिए यह एक बहुत बड़ा सवाल है और उसूली सवाल है और उस को हल करने का जो जरिया हो सकता है, वह सेल्ज टैक्स मे मुनासिब तब्दीलियां कर के ही हो सकता है। इस कानून को तो पास कर दिया जाये, लेकिन मै चाहता हूं कि सेल्ज टैक्स की एन्क्वायरी के लिए जो कमेटी है, वह इस बात पर गौर करे कि किस तरह से सेल्ज टैक्स में तब्दीली की जाये कि उस के जरिये लैंड रेवन्यू का घाटा पूरा किया जाये और किस तरह से लैंड रेवन्यू के आउट-मोडिड सिस्टम को, जो कि ७५ फीसदी आबादी के लिये बोझा है, जल्दी से जल्दी खत्म किया जाये और उसकी जगह सेल्स टैक्स ले।

Shrimati Tarkeshwari Sinha: Mr. Deputy-Speaker, Sir, many hon Members have raised points, some of which I have already covered in my speech. But because they have been raised again I will take some time to reply to them

One of the hon. Members has raised the point about newspapers—that they should not be exempted He has mentioned a note of dissent given by two hon Members of this House But he himself has quoted item 92A of List I of the Seventh Schedule I am quoting the same item for expressing the limitations in the matter. For levying tax on the sale or purchase of goods other than in the course of inter-State trade or commerce, as already mentioned by the hon. Member, powers are derived under item 92A of List I of the Seventh Schedule. The item reads as under:

> "Taxes on the sale or purchase of goods other than newspapers, where such sale or purchase takes places in the course of inter-State trade or commerce."

That means that newspapers are completely out of the purview. Therefore, newspapers have to be excluded from the definition of "goods" and we have no authority or power to bring newspapers under this Bill because we have been barred by the Constitution. For levying taxes on newspapers, separate legislation has to be brought forward and that has to be brought under item 92, if necessary. I won't like to take the time of the House further because this does not come under the purview of the present Bill at all

Another point has been raised that sales tax on many items should be replaced by excise duty. An hon. Member suggested that for making it a uniform rate of tax, the sales tax should be completely changed over into excise duty I want to say here that, perhaps, the hon. Member has in mind what we have recently done in the case of sugar, cloth and tobacco where we have converted the sales tax into excise duty He, perhaps, thinks that it is within our power to go on extending the scope and limit of that excise duty That is not possible.

The subject-matter of Central sales tax at present is defined and a demarcation has to be made between the State and Central spheres of taxation on sale or purchase of goods. Under the Constitution the State Governments have got the power to decide the jurisdiction of the sales tax and they have been given full authority to levy sales tax. And, so, it is not in our power to go on indiscriminately levying the tax on sales or converting sales tax into excise duty I think the hon. Member has forgotten this fact that this suggestion is completely beyond the scope or purview of the Bill. So, I do not think that that suggestion can be sustained here or considered.

Another hon. Member has suggested about the uniformity of the tax and that 7 per cent is too high a rate and that while making this uniformity we should reduce the burden of the tax from 7 to some lower figure. He has also mentioned the names of the members of the Select Committee who have given a note of dissent in this matter

I have taken much time of this House to explain why we have made that 7 per cent. But I would like again to stress this fact that sales tax is a tax primarily on the consumption of an article and that Central sales tax is applicable to the cases of transactions only in the course of inter-State trade In levying sales tax on inter-State trade, the main intention is to ensure that some revenue accrues to the exporting States without raising unduly the burden on the consumer in the importing State. For this purpose, to bring the uniformity which the hon Member has mentioned, we have fixed the rate of one per cent for the registered dealer in one State and one per cent for the registered dealer in another State It is only in the case of un-registered dealer that this difference has been made While making this difference we have always kept in view the more important items, the declared goods as they are called Already the consent of all the State Governments has been obtained for the uniform rate of tax And as I said. sales tax is a State subject

The Central Government can only make recommendations. We had a Conference of the Finance Ministers and there we discussed all these points and tried to recommend uniformity as much as possible. But because this source of revenue is so elastic and paying it is very difficult for the Central Government to convince or recommend to the State Governments to adopt what it would like them to adopt The States are very zealous about their rights because this is one of their largest sources of revenue. So, we have our own limitations. I can assure the House that within those limitations under our Constitution, we have tried our best to bring rate of uniform sales tax over all these fifteen items as a result of our deliberations

Shri S. M. Banerjee: The hon. Deputy Minister told us that the Central Government has recommended to the State Governments May I know whether any State Government had accepted those recommendations?

Shrimati Tarkeshwari Sinha: Even the seven per cent that is going to be levied on unregistered dealer was discussed there It was with the agreement of most of the States it was done Some were levying a higher percentage and some a lower sales tax After discussions, the most scientific basis that we could arrive at was seven per cent for unregistered dealers I can say this with all clarity that this percentage has the consent and cognisance of all the State Governments Therefore, the objection raised by two hon Members of the Select Committee cannot be sustained on this account

Another hon Member has covered the whole range of State and inter-State sales tax He doubted the intelligence of the Bills, the original as well as this draft Bill He has given an assurance on my behalf to the House that I am going to bring another Bill very soon I can assure the hon Members that I am here to speak for myself and if I have to assure the House that I will come again with an amendment, I will myself give that assurance and he need not take the trouble of doing that on my account

Shri Naushir Bharucha: The assurance is on my own account; not on her account

Shrimati Tarkeshwari Sinha: But I can assure him this, that we have tried to study the pros and cons of sales-tax from all points of view and that is the reason why all the Finance Ministers came here and we had a conference and deliberated over all these issues. One of the purposes of sending this Bill to the Select Committee was also to bring out as much

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clarity of ideas and thoughts as possible. And I hoped I would be able to satisfy so far as the simplification of this Bill is concerned almost all in this House; but as he is very famous for not being satisfied, I am satisfied of the fact that I cannot satisfy him.

He has raised some objections over clause 3. In clause 6 it is clearly mentioned that the State from which goods physically move—I should like that he marks these words 'physically move'—will have jurisdiction to levy the tax irrespective of the place where the sale is effected or a contract is signed.

Shri Naushir Bharucha: Where is 'physical movement'; there is no such thing.

Shrimati Tarkeshwari Sinha: For a lawyer of the eminence of the hon. Member, I think that is quite obvious, it is inherent in the whole clause 6.

Shri V. P. Nayar: A Minister of her eminence can do well also.

Shrimati Tarkeshwari Sinha: This was one of the points which took long deliberations and after all that we decided that it should be decided by the actual movement of the goods and not by any other condition. It has been clarified.

He has referred to another point about the place of business. Its scope has been widened in order to cover all contingencies that might arise in the minds of the hon. Members or the business people who do business have to pay sales tax. The place of business has been widened by making some additions in the amending Bill. It is defined to cover all contingencies where the dealers move goods from different States even though they have no established office. The hon. Member referred to this point but it is only for protecting and safeguarding that very point raised by the hon. Member that we have widened the scope of the place of business in the amending Bill now before the House.

The question of double taxation does not arise at all and I do not think that I should elucidate the point any further.

There have been some points raised about the sale of foodgrains and medicines. There may be two opinions about it, that there should be no sales tax on food and medicines. They say so. I do not deny the justifiability of the thing but our scope is so limited that we cannot sort of press the States not to levy tax on foodgrains; these are completely State subjects and they can be exempted from taxation by the States alone. So, I do not think it comes under the purview of this Bill. I can inform the hon. Member that it is not always necessary that the States should accept all our recommendations. Sir, I have nothing more to add and I thank you very much.

Shri Tangamani (Madurai): The Law Commission has recently submitted a report about suitably amending the law relating to sales tax. May I know whether this amendment was brought in line with its recommendations? Or, is another amendment likely to come?

Shri Naushir Bharucha: May I also know whether she would give us an assurance that Government will not come with an amendment? I will be satisfied with that.

Shrimati Tarkeshwari Sinha: I can speak for myself and can give assurances on my behalf when it is necessary. It is not the duty or the business of the hon. Member to give assurances on my behalf.

Mr. Deputy-Speaker: The question is:

> "That the Bill further to amend the Central Sales Tax Act, 1956, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: Amendments 1 and 2 have been tabled just now, both are out of order (*Interruptions*) I would draw the attention of the hon Member to article 110 of the Constitution and article 110(I)(a) refers to the imposition, abolition remission, alteration or regulation of any tax Then in article 117 he would see that if any reference is made to it, any law or amendment would require the sanction of the President It has not been obtained The hon Member, Shri Kodiyan wants that taxes be levied even on newspapers That would be an imposition of a tax and therefore, the permission of the President is necessary

Shri V P. Nayar The point raised in the amendment is not that In the original Sales Tax Act, the words were not included This is an amendment which seeks to bring in the particular clause the word newspaper we want the *status quo* to be maintained

Mr Deputy-Speaker No The Bill is there and now an amendment is being moved The Bill seeks to impose certain taxes for which sanction has been obtained The amendment also must have permission of the President before the tax can be varied So, it is out of order Similar is the fate of the other amendment also There is also article 274(1) which says

> No Bill or amendment which imposes or varies any tax or duty in which States are interested, or which varies the meaning of the expression "

15 hrs.

Shri V. P. Nayar: That is clear

Mr. Deputy-Speaker: There are no amendments I shall put all the clauses together The question is

"That clauses 1 to 12, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 1 to 12, the Enacting Formula Title were added to the Bill.

Shrimati Tarkeshwari Sinha Sir, I move

"That the Bill be passed"

Shri V. P Nayar *rose*—

Mr Deputy-Speaker We have to take up another item at 3 00 P M

Shri V P Nayar This may be held over

Shrimati Tarkeshwari Sinha No, no

Shri V P Nayar I want to speak

Mr Deputy-Speaker If there be no objection in taking up the other thing after ten minutes

Shri V P. Nayar Let the House sit for ten minutes more Sir because that is also equally important perhaps more important than this

Mr Deputy-Speaker All right Then this will be taken up next time Motion moved

'That the Bill be passed'

Shri V P Nayar Then I am on my legs Sir

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15 02 hrs

CHAUDHURI COMMITTEE'S REPORT ON PORT AND DOCK WORKERS DEMANDS

Shri Asoka Mehta (Muzaffarpur) Sir I beg to move

"That the Chaudhuri Committee's Report on Port and Dock Workers' Demands and the Government's Resolution thereon published in the Gazette of India on the 21st July, 1958 be taken into consideration"

Sir, I am happy that when we take up this discussion of the situation that is today prevailing and is likely to develop in the ports and docks in our country, we have as the Minister-in-charge an old friend of mine about

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whose capacity to understand the intricacies of the situation and ability to respond in the manner desired I have no doubt.

I have suggested that we discuss on the floor of this House the Chaudhuri Committee's Report on Port and Dock Workers and the resolution that the Government have passed on it, for the simple reason that I have the impression that all is not well with our ports and our docks The situation there is uneasy, and it is quite possible that unless prompt measures are taken we may once again be confronted with the kind of situation that we faced a few weeks back As the Minister knows very well that I was very unhappy at that time—and I am sure most Members of this House were unhappy—I would like that such a situation is avoided, because it is likely that any dislocation or disturbance in our ports and our docks would exert severe and adverse repercussions on our food situation as well as on our foreign exchange difficulties I have, therefore, no doubt in my mind that all sections of this House are agreed that everything possible should be done to see that the workers in the port and docks, who are manning such an important and strategic sector of our economy in a period of such difficulties through which we are passing, have no grievances left or have no reason to harbour any feeling that justice is not being meted out to them

I feel that the way the Government have been handling the situation has not created that kind of impression in the ranks of the workers. In the last two years, the port and dock workers, their organisation, Sir, gave notice of general strike on five occasions, and only recently we witnessed the paralysis of ports and docks for eleven days. Rumblings of another strike are heard. I read with considerable amount of distress a resolution adopted by the All India Port and Dock Workers Federation at its meeting held on 21st July 1958, and in the course of that resolution—it is a long resolution, I cannot read the whole of it—one of the sentences to which attention needs to be attracted is: "Agitation should be intensified at the ports to urge on the Government the need to reconsider their decisions." Agitation is being intensified, and when agitation gets intensified in those vulnerable areas of ports and docks anything can happen unless prompt action is taken

It may be argued that if this Federation of Port and Dock Workers has given five notices of general strike in the past two years, and if it struck work for eleven days, it may be that this organisation functions in an irresponsible or in an intransigent manner I would have been the very first person to criticise them and try my level best to correct them, if I was convinced that those who are today leading this organisation are either functioning irresponsibly or in an intransigent manner

But, Sir, when I look at the record of the work of the port and dock workers under these leaders put in recent years, I cannot withhold from them my meed of praise. In the last two or two and a half years, loading and unloading has increased at the ports and docks by anything between 100 and 200 per cent. You will recollect, Sir, that a couple of years back there were constant complaints about congestion in our docks and on more than one occasion we were told that surcharges would be levied by the ships which come to our ports. We also had to pay a large amount of money to the shipping companies and a certain amount of drain was caused on our foreign exchange resources. But we find that in April 1956 in the Bombay Port—the datum line laid down for work to be done is 1,06,204 tons—the tonnage actually handled was 2,42,817 tons—an excess of 129 per cent over the datum line—and when we realise that about three years back, perhaps only 80 per cent of the datum line was reached, we have to come to the conclusion that the improvement today in handl ing cargo at the port is not only 129 per cent, but nearer 200 per cent.

In Madras Port, I have been told that the port authorities themselves have taken pride on the fact that world record in the rate of handling cargo has been established in that port. Here are, therefore, men of whom we can legitimately be proud. Here are people who are willing to respond to the situation through which we are passing, and I do not think we can say that those who lead the port and dock workers are necessarily functioning in an irresponsible manner.

Then why is this unrest there? This unrest is there because,—I am sorry to say, because I have great respect and personal affection for the Minister who is in charge of it; but I must say the truth—I feel, the Government has been pursuing a policy of procrastination. Assurances are given, and those assurances are often not honoured. I shall try in the limited time at my disposal to substantiate this very serious charge which I have made against the Government.

This Federation of Port and Dock Workers was formed in 1954. An All India Federation had to be formed because there are all-India problems, and those all-India problems were not attended to so long as the port and dock workers functioned on the basis of different ports. There are six major ports and I presume there must be six or probably a dozen unions working in those major ports. They have all come together and this Federation was formed in 1954. Since then, its demands are in sense hanging fire. What has been the main demand? The main demand, as far as I have been able to understand, is uniformity in pay-scales and service conditions in the major ports.

You will recollect that everywhere today this is the tendency; the Central Pay Commission sought to rationalise and make uniform, the conditions of pay and conditions of service. This rationalisation and creating uniform conditions, or what is known as equal pay for equal work, is being adopted more and more in other industries also. This has been suggested by various committees and various commissions. That is also the accepted policy of the Government.

Shri Lal Bahadur Shastri, who was the Minister in charge of Transport, said in September, 1956 as follows. I am quoting him:

> "There is no uniformity of pay-scales, leave rules, provident fund benefits, etc., in all ports of India."

I presume he was referring to the six major ports.

> "This, to my mind, is an urgent matter which should be tackled at the earliest".

The Minister recognised in September, 1956, that this was an urgent matter which needed to be tackled at the earliest.

In order that the whole question may be thoroughly looked into, all pros and cons examined, all evidence sifted, a very senior officer of the Government was appointed. It was not a Commission. Workers were not represented. Nobody else was represented. It was a one-man Committee or Commission, whatever it is called. He was Mr. P. C. Chaudhuri, a very senior member of the Indian Civil Service. Mr. Chaudhuri was asked to submit his report within six weeks on certain points. Mr. Chaudhuri took a longer period. Now, all that the Federation is asking for is that the recommendations of Mr. Chaudhuri should be implemented. This senior officer was appointed by the Government. This senior officer spent anything between nine to 11 months. He went round and visited all the ports; he consulted all the interests concerned and he sifted all evidence and he has given quite a voluminous report—about 400 pages. As you know, he was connected with the States Reorganisation Commission also. Government evidently trust him, respect

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his judgment. He was entrusted with another important task, and he has produced a very worthy report.

Now, what the Federation asks for is that the recommendations of Mr. Chaudhuri be implemented. The Prime Minister, recently when the strike was on, sent a telegram to the Federation, saying that Government are determined to see that justice is done to the workers. On that account, on the telegram from the Prime Minister, and the friendly spirit that the Minister had evinced, the strike was withdrawn. The Government had also then assured in the course of the discussion that they had with the representatives of the Federation, that the assurances given by Shri Lal Bahadur Shastri would be implemented. It is the contention of the Federation—and I have a considerable amount of sympathy with that contention—that the recent Government resolution fails to carry out these assurances given by the highest in the land. Why is it so? The reason is, there is an ambiguity and I suggest that there is a deliberate ambiguity—the Minister will pardon me for saying so—on the position of the port and dockworkers. Sometimes, it is argued that their case has to be considered separately. Sometimes, it is argued that they are covered by the Pay Commission. The first Pay Commission never took the question or the case of the port and dock workers into consideration. The Chaudhuri Committee's report at page 70 categorically observes:

> "It does not appear from the Report of the Central Pay Commission that they specifically considered the pay-scales of Bombay, Calcutta and Madras Ports whose employees were not technically central government servants".

I have had the opportunity of working as a trustee of the Bombay Port Trust and I have also had occasion, when I was an active trade unionist, to negotiate with the Chairman of the Port Trust in Bombay, and repeatedly I was told in the meeting of the Board of Trustees, when I used to negotiate with Chairman, that the Bombay Port Trust is an autonomous body. Whenever it suits them it becomes an autonomous body; whenever it suits them, it is said that their case is covered by the Pay Commission. The Central Pay Commission on the last occasion did not consider the case of the port and dock workers. This time also, to the best of my knowledge, the Central Pay Commission has not invited the Federation to put forward their case. The Central Pay Commission, therefore, has neither on the previous occasion nor on this occasion, tried to look into the problems of the port and dock workers.

There are 1,25,000 port and dock workers. Only 5,000 of them are Government employees. As many as 40,000 are privately employed by stevedores and the rest are employed by these autonomous authorities. The main principles enunciated by the first Pay Commission were, equal pay for equal work and rationalisation and uniformity of pay structure. These principles have not been implemented. It is true that *ad hoc* increases have been given, but these two principles have not been implemented. In the case of the railways, whether the workshop is in Ajmer or is in Perambur or wherever it is, the pay structure is the same. In the ports and docks, people may be doing the same kind of work. But neither a common nomenclature has yet been brought about nor uniform conditions of pay and uniform conditions of service have yet been created. This particular demand was made over and over again. If the recommendations of the Pay Commission or if the principles laid down by the Pay Commission had been given effect to, then, these anomalies would not have existed, and there would have been no occasion for Mr. Chaudhuri to spend nine to 11 months of his valuable time in formulating his report.

Mr. Chaudhuri was appointed to evolve proposals. I have not been able to get hold of the terms of reference, because I find that the terms of reference are not given in the report Probably, the Minister will be able to enlighten us on what precisely were the terms of reference But anyway, from the report which I have tried to go through as carefully as possible, I find that he was asked to evolve proposals for service conditions and other things after consulting the interests concerned in the light of the Pay Commission's recommendations Originally, it was suggested that this would be done in the framework of the Central Pay Commission's recommendations But the wording was changed from "in the framework of", it was made "in the light of" The change in the wordings, which was brought about at the instance of the Federation, suggests that Mr Chaudhuri was asked to keep the broad recommendations of the Pay Commission in mind and reach his own conclusions He was also expected to consider whether there are any special conditions prevailing in ports and docks, whether the workers there have any stresses and strains peculiar to their own work, and if there be any such stresses and strains, what kind of further allowances, further amenities, should be given to them

Now, Mr Chaudhuri, as I said, after a very careful consideration, has submitted his report. In the report, he has recommended certain wage increases If these wage increases are given effect to, it would mean, as he has pointed out, this much increase. He has said:

> "As it is, the total annual establishment expenditure on all the ports during the year 1955-56 was of the order of Rs. 12 crores. An additional expenditure of even Rs. 25 lakhs will mean about 2 per cent of the total wage bill".

What he recommended would have resulted in two per cent increase in the wage bill.

Then, he suggested that provident fund contributions be increased from basic pay plus half dearness allowance to basic pay plus full dearness allowance He suggested that the gratuity should be 25 months instead of 15 months and it should include full dearness allowance instead of half dearness allowance as at present He suggested that the gratuity should be given at the rate of full month's pay for one year's service as against half a month's pay, as is the case at present About leave and holidays also he made certain suggestions About night work, he said that uniformly the night shift should be 6 hours and over-time payment should be one-sixth

He made these suggestions because he came to the conclusion that "in ports and docks, the workers have exacting nature of work" He has given figures about the incidence of accidents The incidence of accidents in ports and docks is three or four times that in other industries in the country The type of work is exacting For that, there is any amount of evidence available The ILO and other organisations the world over have gone into this problem.

My hon friend, the Minister, who has himself been a trustee and also a labour leader who has been such a distinguished citizen of my city, knows what the conditions of work there are and because of these conditions of work, the officer on special duty suggested that certain special retiring benefits be given All that the Government have done is this. The total amount involved in the concessions that have been conceded by the Government comes to Rs 20 lakhs only. I can understand if the ports had not the capacity to pay. I have worked on various committees. Even today I am a member of the Central Wage Board. I was one of those who had the honour of framing our policy of fair wages. I have been connected for the last 12 years with various committees and commissions where this problem of wages had been considered. Everywhere we have said that

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if an industry has a higher capacity to pay, it should pay. The Government's argument is, how can we start with social security for one section of the people? If in that particular industry, it is possible to start that pattern that we want to create and expand through the whole of the country, why should not we do it?

With your permission, Sir, may I point out what is the capacity of our ports today? The ports have been having by and large surplus budgets. Bombay Port Trust, for instance, is having surplus budgets since 1934, in Bombay and Bombay port is very important, because it handles 45 per cent of all the cargo in the country. Other ports also have been having a comfortable time. The port rates or the port dues have been increased only by 33-1/3 per cent since 1934. War has come and gone, inflation has started and prices have soared everywhere, but port dues have been increased only by 33-1/3 per cent in the last 24 or 25 years.

In Madras, since 1939, port dues have been increased by 50 per cent. In Calcutta it is true that they have been increased by 100 per cent. But the former Finance Minister, Shri T. T. Krishnamachari advised publicly to raise the rates, because to quote his own words, "the present rates are very low". I am not suggesting that the rates be raised. I am not arguing for that. But I am saying that there is considerable amount of fat. It is not necessary for us to deny elementary justice to our employees, because, as I shall explain to you in a minute, they have contributed to the improvement of the functioning of the ports and docks in a manner whereby they are entitled to the best possible conditions that we can offer.

Ports and docks are having surplus budgets today and in case they desire a little more money, there is plenty of room, because unlike in other spheres of life, here the increases in charges have been very very nominal. Shipping companies have said that they are willing to pay more if the turn-round is improved. For instance, the Vashist Committee, which was appointed especially to go into this and allied problems reported as follows.

> "Similar opinion was expressed by a representative of another company in the following words:
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> 'We can afford to forego these fews extra or few dollars extra or few shillings extra, but we must get better turn-round. It does not matter if the Calcutta rate goes up or the London rate drops, if the Union can prove that the workers can bring about a change in the output in the shape of increase, perhaps no company would mind spending some extra money on them, but where the expenditure does not yield any increase in output, it means that money is literally wasted—waste of labour waste of time and that too to nobody's benefit'."

This is what an important shipping company has said, as quoted by the Vashist Committee in its report.

Since then the turn-round has improved very much. Whereas we were losing about Rs 4,500 to Rs. 10,000 a day, now no one complains. As a matter of fact, our ports have built up a formidable reputation about the work being done there, as I quoted the instance of the Madras port. Therefore, even if it is necessary to impose a slightly higher rate, nobody is going to complain. The possibility for it is there, but as I said, there will be no need for it. The present and the potential capacity to bear any increased burden is, therefore, established.

The Government, however, have turned down the proposals of Mr. Chaudhuri on the contention that it would create repercussions as far as other Government employees are concerned. This I am unable to understand. Here are employees whose case was specially gone into by the special officer who was appointed. He spent 11 months on this and he was a senior officer specially assigned to this job. Either he knows what he is saying or my friend, the Minister, with such advisers as he has in Delhi, knows everything. If he knows everything, why did he appoint this officer? When I say "he", I mean the Government. If they have all the wisdom under the sun and if they know sitting here whether the workers there have a higher stress or a lower strain, why did they appoint this committee? It is amazing that some sections of the workers put in 6 hours of work in the night shift—that is their full day's work—and the overtime payment is one-eighth, of the pay instead of one-sixth. These are amazing anomalies and disturbing discrepancies and the question is whether they should be removed or not and how they should be removed. The Federation did not say that its word should be accepted. But a person who knows all the implications, who, if the Minister so chose, could have been put in charge of one or all the ports in India, such a person goes there, looks into the conditions and submits a report that certain things should be done. But the Minister sitting here with such advice he gets after one year's cogitation, what does he say? What a long period of incubation is needed by our Ministers! The eggs may be put there, but it takes one year to hatch and to come to any kind of decision. And, after one year, the Government decide that Mr. Chaudhuri's recommendations are, by and large, to be rejected.

I ask, why do the Government appoint these committees? Why should workers have any confidence after this? The Federation comes once, twice, thrice and withdraws strike notices, with very enviable faith in the good intentions of our Ministers. The officer is appointed and the impression is given that the recommendations of the officer would by and large be accepted. But what do we find? When the officer reports, the whole thing is to be considered completely *de novo*. The Government reaches its own conclusions without taking into consideration the capacity of the industry to pay. The result is that the port and dock workers are losing faith in the Government. It would be a sad day if that faith is lost. On the last occasion, the Prime Minister had to intervene. Are we going to permit the Prime Minister's influence, the Prime Minister's capacity to intervene and mediate, to suffer in any way? My friend, the Minister, is a dynamic and competent person, one of those Ministers about whom we can say that he is going to go very far, he has not reached the top of the ladder yet. Is this Minister going to create a feeling in the ranks of the workers that he cannot be trusted, that he can pull wool over their eyes? I hope, not. I say with all the seriousness at my command that today in the ports and docks of Bombay, Calcutta, Madras and other places, as far as our workers are concerned, this feeling is being created. The work has been increasing. Earnings have gone up. They have put in tremendous work. Things are going to hum there. The poor port and dock workers are saying we are anxious to co-operate. But the Ministry says no. He hums and haws. God only knows why.

The only argument that he put forward is that it will have repercussions. What are the repercussions? He said what will happen to the 5½ million workers who are working in other Government departments? I would like to know from the Government—let them clarify their policy—are all people to be treated, are all people who are engaged in Government offices, establishments, factories run by autonomous corporations, are they all to be treated and given the same wages and scales of pay? It means the steel plants will give the same wages that we give today to the dock workers. A worker working—I can quote only figures about Bombay—in Bombay Dockyard Engineering concerns gets Rs. 134. A

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worker doing the same amount of work in the Bombay port gets only Rs. 102. The minimum wage that a Bombay port worker gets is only Rs. 92-8-0. A textile worker gets anything between Rs. 110 to Rs. 120. An engineering worker gets more than Rs. 120. I am talking about Bombay, not about Calcutta or Madras. Now I just cannot understand how you can expect the best people, the good people, who are working in the ports to accept this. Are you going to have uniform conditions of work and uniform conditions of pay even when some of these establishment are run by autonomous corporations? If that is the policy, if uniformity is to mean this kind of dead uniformity, I am afraid, we might as well rule out the map of our industrialisation. This talk of repercussions will not lead us anywhere. When the Central Pay Commission has not looked into the case of these employees, they were told that their case will be heard by Mr. Chaudhuri, and when he reports, his report is not taken into consideration and they are not being given any other opportunity. I find it very difficult to understand how this matter is going to be solved in a manner satisfactory to the workers.

One more point and I have done.

Mr. Deputy-Speaker: He has already taken two more minutes.

Shri Asoka Mehta: One word will not take more than a quarter of a minute.

The world over the port and dock workers are among the highest paid, and in India we want to see that similar conditions as created. The world over ports and docks are full of difficulties. They are very often placed where maximum disturbances take place. Thank God, in our country we have men at the helm of these organisations who are patriotic. Let us strengthen their hands. Let us make it possible for them to get for the workers, with the goodwill of the Government, wages which will be commensurate with the needs of their requirements. All that they are asking for is that the recommendations of Mr. Chaudhuri be implemented and I hope and trust that the Government will revise their policy and will not provoke any kind of conflict in this very vital sector.

Mr. Deputy-Speaker: Motion moved:

> "That the Chaudhuri Committee's Report on Port and Dock Workers' Demands and the Government's Resolution thereon published in the Gazette of India on the 21st July, 1958, be taken into consideration."

There are substitute motions by Shri Anthony Pillai. First I would like to find out from the hon. Minister how much time he would require.

The Minister of Transport and Communications (Shri S. K. Patil): The time allotted is two hours; that means, 120 minutes. A fair distribution is, I should say, two-thirds for those who want to make the case, and one-third for those persons who have got to reply to it. That is a fair distribution—80 minutes and 40 minutes. Our 40 minutes we shall divide between myself and the Minister of Shipping. The Minister of Shipping will take about 15 minutes and myself about 25 minutes. But we shall not take more than 40 minutes.

Shrimati Parvathi Krishnan (Coimbatore): What about those who want to support the motion?

Mr. Deputy-Speaker: The mover would like to say something in reply also.

Shri Asoka Mehta: Not very much, unless the hon. Minister is going to tell me something new.

Mr. Deputy-Speaker: Ten minutes?

Shri Asoka Mehta: Even less, because I do not think anything new is going to come up.

Mr. Deputy-Speaker: 35 minutes have already been taken. 40 minutes are required by the hon. Minister and another 10 minutes by the hon. Member for reply So, out of the 2½ hours we have got, only 65 minutes remain for other speakers. Shall I fix ten minutes for each hon Member?

Shrimati Parvathi Krishnan: Fifteen minutes.

Mr. Deputy-Speaker: I have absolutely no objection Now there are three substitute motions by Shri Anthony Pillai Is he going to move all of them?

Shri Anthony Pillai (Madras North): Yes, Sir

Mr. Deputy-Speaker: Then he might move them and make a speech also

Shri Anthony Pillai: I beg to move

> "That for the original motion, the following be substituted, namely:—
>
> 'This House having considered the Chaudhury Committee's Report on Port and Dock Workers and the Government's Resolution thereon published in the Gazette of India on the 21st July, 1958, is of the opinion that it is not likely to bring industrial peace to the Port Transport Industry
>
> This House is further of opinion that since securing the co operation of labour for improved efficiency of Port Transport is essential for the successful execution of the Second Five Year Plan, a mediator of judicial status should be appointed, clothed with the powers of an arbitrator, to bring about an industrial truce for the Plan period, and to evolve proposals to secure co-operation of labour in increased efficiency'."
>
> "That for the original motion, the following be substituted, namely:—
>
> 'This House having considered the Chaudhury Committee's Report on Port and Dock Workers and the Government's Resolution thereon published in the Gazette of India on the 21st July, 1958, is of the opinion that the Government should commend to the Port and Dock authorities for acceptance and implementation with effect from 1st July, 1956, the following recommendations made by Shri P C Chaudhuri:
>
> (a) that Provident Fund contribution and gratuity be calculated on basic wages and the whole of the dearness allowance,
>
> (b) that each employee should be fixed in the revised scale on the basis of one increment for every three years of service,
>
> (c) that the number of festival holidays and casual leave per annum should be at least 16 days and 15 days respectively,
>
> (d) that contract labour be reduced to 25 per cent by departmentalising them;
>
> (e) that the number of shore casual registered labour be reduced to a minimum and granted an attendance allowance
>
> (f) that a uniform night shift of six hours duration be adopted at all the Ports, and
>
> (g) that the wage rate of all casual workers be levelled up to that applicable to permanent workers'."
>
> "That for the original motion, the following be substituted, namely —
>
> 'This House having considered the Chaudhuri Committee's Report on Port and Dock Workers and the Government's Resolution thereon published in the Gazette of India on the 21st July, 1958, is of the opinion that in the light of the assurance given by Government concessions to labour conferring financial benefits should be given with retrospective effect

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from 1st July, 1956 and made applicable to stevedore labour as well'."

In commending these substitute motions, I would like to add a few words to what has already been stated by my hon. friend, Shri Asoka Mehta. I have very short time at my disposal and so I will not cover the points already covered by him. But I would like to urge one point initially and that is this. There has been a great deal of dissatisfaction among the port and dock workers over the fact that there has been no proper implementation of the assurances given to them. In fact, the Port Workers' Federation has stated that the record bears out the allegation that Government's intervention in the Port Trust has been an unbroken series of broken promises. This final resolution of Government, published in the Gazette of India dated the 21st July, 1958, is one more link in that unbroken series.

First of all, I would like to analyse the economic consequences of this policy of ineptitude on the part of the Transport Ministry. It shows the complete lack of imagination on the part of the Transport Ministry in tackling this problem. There are three major problems, and they are: the large volume of contract labour which is employed in the docks, the question of the large volume of casual labour that is required in ports, and thirdly, the problem of disparities and anomalies in the pay and service conditions of the port workers in all the major ports. These evils, these discrepancies and these anomalies that I have pointed out have been in existence for quite some time.

In 1947 when the First Pay Commission's report was published, the Government advised the Port authorities to implement the Commission's recommendations. They were not implemented on the plea that they are autonomous bodies. Since then, there has been for the last eleven years a constant agitation on the part of the port and dock workers that there should be rationalisation of service conditions and that these disparities should be removed. In spite of eleven years of agitation these problems have not been successfully tackled with the net result that the productivity and output of the workers in the port transport industry, which could have been multiplied several times more, as has been stated by my hon. friend, Shri Asoka Mehta, has been lost to the country. That is what I mean by saying that the economic consequences to the country by this lack of imagination is considerable. Though the port transport workers and dock workers agreed to piece-rate schemes as early as 1956, the implementation of the piece-rate schemes have not been carried out with that expedition which one would have expected. Even when consequential problems arise, namely of congestion in the transit sheds, and though Mr. Chaudhuri makes a recommendation that an incentive scheme should be instituted for those indirectly connected with the handling of cargo, a pious decision has been adopted by Government, *viz.*, that as some industrial consultants are being employed by the Bombay Port Trust it is expected that they would submit a report very shortly. Who are these industrial consultants? They are the people whom normally the trade unions oppose. Therefore, there is not the least doubt that when these industrial consultants do submit their report, there may be further disputes as to what kind of incentive schemes should be adopted for the quick movement of cargo in the transit sheds.

There has been unnecessary delay and unnecessary procrastination about matters on which there has been full agreement on principle. It is not as though on every matter there will be repercussions. The Government, as far as the other services are concerned, liberalised leave facilities as long ago as April 1957. Government has decided only now in its Resolution of July 1958 that the same principle should apply, *viz.*, equalisation of leave facilities for Class III and Class IV

Even in July 1957 when the Bombay strike was called off, the then Transport Minister gave an assurance that it would be implemented It took six months for the Bombay Port Trust to give effect to that decision and then again it was not given effect to from the 1st April, 1957, as happened in other Government services

Then, take again the question of P T O facilities Several months ago the Madras Port Trust adopted a resolution that P T O facilities now obtaining in the Central Government services should be given to its employees Up-to-date Government's sanction has not been accorded Or, take again the question of reference of disputes to the tribunal for adjudication In November 1956 Government gave a solemn assurance that those disputes would be referred to tribunals for adjudication It was repeated when the strike was called off in July 1957 Up-to-date only some of the disputes have been referred to tribunals for adjudication in Bombay, and a couple of disputes in Calcutta Surely, there is no question of repercussions here

Then in November, 1956 an assurance was given that schemes of departmentalisation and decasualisation would be implemented in Vizag and Calcutta It needed a strike in June 1958 for Government to announce what those decasualisation schemes would be though such decasualisation schemes already exist in Bombay, Calcutta and Madras Where does the question of repercussions arise here? The repercussion lies in the industry here Here, within the port industry the repercussions arise and about this they prefer to turn a Nelson's eye

Then, take again another question, the question of casual leave, and festival holidays, for instance What does Mr Chaudhuri recommend? Mr Chaudhuri recommends that the same casual leave and festival holidays facilities which obtained in the Posts and Telegraphs services should be made applicable to the port transport workers. Where does the question of repercussion come in, in accepting this recommendation?

Then take the question of wage fixation I would like to mention one point I am continuously referring to this assurance given in November 1956 In November 1956, an understanding was reached between the Government and the port transport workers on the basis of which the threatened strike was called off and, therefore, inasmuch as the strike was called off on that basis, the workers expect the Government to honour all those assurances that were given in November, 1956 Some of these assurances were repeated in the Press note that was issued by the Government after the discussion with the Prime Minister Here is one assurance The Federation pointed out that Shri Lal Bahadur Shastri, the former Transport Minister, had given certain assurances for rationalising the scales of pay and achieving as large a measure of uniformity as possible in the matter of pay scales and other conditions of service without any reduction of the existing scales or of any benefit Government assured the Federation that this assurance will be implemented You cannot find anywhere in this Resolution any reference to this assurance repeatedly given and repeated again by the hon Prime Minister Why is this Resolution completely silent with regard to this very important assurance?

Take the manner in which another assurance has been implemented It was agreed during the discussions with the hon Prime Minister that there would be an equitable fixation of employees in the revised scales of pay Equitable cannot mean no fixation whatsoever If they had completely denied it, one would have said that they have gone back on their assurance Instead of that, they adopt a Resolution to the effect that an employee will be given one increment In other words, they are just saving themselves from the accusation that this particular assurance has not been implemented My charge is that with regard to this, there is a breach of

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faith—a breach of faith in the sense that the spirit underlying that assurance has not been implemented.

In the November 1956 discussions it was specifically stated that one of the terms of reference to Mr. Chaudhuri would be to formulate proposals for fixing them in revised scales of pay. Nevertheless we find that once again there has been a breach of faith on this question. In November 1956, the port and dock workers were told that there need not be a judicial authority appointed to decide these disputes as the matters could be dealt with, with expedition if there was an officer of the Civil Service who could conduct this enquiry. An officer of the Finance Ministry was also associated with this enquiry so that matters could be dealt with expeditiously and that Government would be in a position to implement them without any difficulty. Despite the fact that Mr. Chaudhuri made his recommendations in September 1957, it has taken the Government very nearly a whole year to take decision on his recommendations. All that the Government has done with regard to Mr. Chaudhuri's recommendations is to merely accept the question of removing some of the disparities and anomalies in the matter of leave, in the matter of travel benefits but the major recommendations—recommendations with regard to gratuity and provident fund, with regard to decasualisation, with regard to the abolition of contract system, with regard to equalisation of wages between casual workers and permanent workers and with regard to the incentive scheme—all these have been denied and rejected. Where it is not specifically said that they have been rejected, there is no reference at all to them in the Resolution on these points.

With regard to gratuity and provident fund, I would repeat the charge that here is a refusal to accept an assurance—a refusal to honour an assurance. It was not included in the terms of reference that Mr. Chaudhuri should devise some retirement benefit scheme, in the light of the existing Pay Commission's scheme or in the light of any other scheme of retirement benefits already applicable to Central Government servants. He was asked to devise a retirement benefit scheme taking into consideration the circumstances such as hazards, intensity of work and the turn over of labour in the Port transport industry. When the Government advised the workers to withdraw the threatened port and dock strike on the basis of this reference, there was an implied understanding that whatever his recommendations were on the question of retirement benefit, they would be accepted and honoured. I would also like to point out that in Madras both the Dock Workers representatives and the Dock employers representatives agreed long before Mr. Chaudhuri's recommendations were out that they would accept and implement Shri Chaudhuri's recommendations on retirement benefit. In July 1957 when the Bombay strike was called off, Mr. Shastry gave a written assurance to the effect that retirement benefit would be calculated on the basis of 6¼ per cent. of the total earnings of the cargo handling workers. What has happened to this assurance? Government, on the one hand, says that the Dock authority is autonomous and they will not normally interefere. Why should they now pass a resolution requiring the Dock Labour Board, Madras, not to implement Shri Chaudhuri's recommendation, when both the workers and employers have agreed, that it should be implemented.

Therefore, my humble submission is that this particular decision which does not remove any of the evils which have bedevilled industrial relations in the Port transport industry is not likely to bring about industrial peace. There is likely to be a continuation of industrial unrest. Therefore, my humble submission is that it will be best and most advisable for some mediator to be appointed to look into all the various disputes and bring about a settlement. Surely, a mediator with judicial status is not going to ignore the question of capacity to pay, nor is he going to ignore the question of repercussions. Why should they be worried with regard to appointing such a mediator to bring about such a settlement? Have not they seen a settlement of the piece rate question at the Ports of Calcutta and Madras? If such mediation can bring about increased productivity to the tune of 200 per cent or 300 per cent in the Ports of Madras and Bombay, I do not see why a mediator should not be able to bring about a settlement which would be beneficial both to the industry and to the country and to the workers.

Shrimati Parvathi Krishnan: Mr Deputy-Speaker, I welcome this opportunity of discussing the report of Shri Chaudhuri on Port and Dock Workers and the Resolution which the Government has thought fit to adopt on this report I welcome it not only because this is a very important problem, which I feel should be discussed and thrashed out on the floor of Parliament, but also because, at the same time, it gives us an opportunity to put before hon. Members of Parliament the side of the workers. Because, we know, today, there is a tendency to try to make out that the workers who went on strike a few weeks ago were being misled by anti-national elements, by unpatriotic elements, by those who wished to sabotage the national effort, by those who wished to sabotage the Plan and so on. Therefore, it was very necessary and I am glad that my hon. friends Shri Asoka Mehta and Shri Anthony Pillai have both described how the dilatoriness of the Government and procrastination of the department and the Ministry of Transport and Communications is wholly and solely to blame for the events that took place, how the port workers had been waiting for their very justified demands to be granted and the time had come when they could not be asked to wait longer.

15-53 hrs.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

We all know that ports play a very important part in our national effort and in our national life. Before Independence, what were the ports being used for? They were a part of the colonial set up in this country and a part of the colonial economy. The British imperialists who were here, built the ports in order to see that the goods that they needed to supplement their economy were exported from here and the goods that they wished to dump in the colonial market were being imported What has happened after Independence? After Independence, all of us look at the ports as almost the heart of the economic plans that we draw, because, the ports are used for importing that material which is so necessary for us to build our heavy industry, that machinery which is so necessary for us to guarantee the fulfilment of our developmental programme. Therefore, when this basic charge is there in the very type of cargo that is being handled in the ports, one would have expected that the Congress Government would have also seen to it that the workers in those ports would also benefit from the fruits of freedom as much as the many so-called political sufferers in our country have done. But, this has not happened. Far from it. Whatever administrative set up was there during the days of British imperialism in this country, that same administrative set up more or less continues with this difference that instead of having a man with white skin as Chairman of the Port Trust, you have an I.C.S. officer who carries out blindfold, who carries out in the same rigid bureaucratic manner the same type of administration that existed even before

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Independence. This is what we see. We see that the interests that are guarded zealously by the Port Trusts are the vested interests and paramount interest of national progress is not in the least looked at, is not cared about at all. In this background it is that I would appeal to the hon. Members and also to the Minister for whom, I must admit, I do not have even one-fourth of the sympathy as my hon. friend Shri Asoka Mehta has, and I would ask him to view the problem of the workers.

Their primary demand as I see it, is the demand of wages. In other words, what do they want? They want to have that much of money which will enable them to live the life of ordinary human beings, which will make them capable of fulfilling the work that they are called upon to do by the administration and by the country. What else do they demand? They demand conditions of service which they are entitled to according to those Directive principles of the Constitution, according to all the ideas of social equity and social justice which underline that Constitution, which we have taken an oath, when we came into this House, to honour and uphold. That is all they have demanded and this is what they are being denied.

From 1954, onwards, negotiations started and strike notices were given by the Unions and the Federation. They were withdrawn when, time and again, assurances were being given to them by the Ministry of Transport and Communications. What were they told originally? The Central Pay Commission's recommendations could not be implemented in toto; certain recommendations would be implemented. So, in a truncated form these recommendations were implemented. Where there was lack of uniformity, where one of the main problems was lack of uniformity, further discrepancies and further anomalies were introduced. This is the Herculean task that the Ministry performed after seven years of Independence. It is really a record that, I am sure, even they would be ashamed to come forward and defend on the floor of the House.

We are told sometimes that there has been revision from time to time of the wages of the workers. What does the report of Shri Chaudhuri itself say about this wage revision? On page 57 of the report, he says:

> "Apart from these revisions, there have been piece-meal revisions on an individual basis, sometimes on account of the nature of the duties and responsibilities and sometimes mainly as compensation for the lack of avenues of promotion. The effect of these. . . .

These are the words to which I would like to draw the attention of the hon. Ministers who are sitting opposite.

> ....these piece-meal and *ad hoc* changes have, however, contributed to an increase in the number of scales and also led to other complications".

Therefore, instead of reducing complications, instead of introducing further uniformity, complications have been increased as a result of these piece-meal revisions. Shri Chaudhuri's report provides a solution for all these problems.

This report, we are told, came into the hands of the Government in September, 1957. Then, it was put into cold storage for some time. Then, when questions were asked in Parliament and the Federation moved in the matter, the various Unions were given copies of the report and told to keep it a secret and told to carry on negotiations at local levels on this report.

16 hrs.

As usual, those negotiations also were absolutely on a par with the negotiations that have been going on with the Ministry here in Delhi. In other words, there were no negotiations at all. Whatever negotiations took place were only in order to enable the Government to issue a *communique* in the press or to have it in their armoury to bring forward when talks come up or strikes take place to say: "There you are, we wanted them to negotiate, we told them to negotiate, we gave them even this report that we did not place on the Table of the House, this report that was even refused to all-India organisation such as the All-India Trade Union 'Congress when they asked for a copy of it. We gave them this confidential report. Such confidence we have got in them, and yet they go on strike." But what is the point of giving this report to them unless and until there is a seriousness about the negotiations, unless there is a serious attitude toward seeing that the differences that might crop up on the basis of these recommendations are smoothed out as a result of discussion round a table?

Then, the Ministry promised to take steps and said that if the negotiations were being delayed, they would go into it still further. Again, the same thing happened, and again there was no alternative for the Federation but to give a strike notice.

Now, what happens at a time when a strike notice is given? One would feel at least the Minister would have a sense of responsibility towards the whole matter and say again at least from his side: "Let us try once more to come to some agreement." Instead of that, he sends instructions that states of emergency should be declared, the strike is coming, and the whole country is going to collapse. This sort of attitude naturally did not help at all, and when the workers finally did go on strike the manner in which developments took place in the various cities leaves very much to be desired, particularly in the City of Madras where within a few hours a firing takes place, six people are killed and 200 injured.

I would like to put before you what happens when the strike takes place. Ministers went around frantically saying: "The dock workers have gone on strike. They are sabotaging the national effort. Foodgrains are there in the harbour but they cannot reach the starving people of our country." This was what the Ministers were saying, but did they go there to try and bring about a settlement? Did they try to bring about any understanding? No On the other hand, the Ministers of the Madras Government wanted to isolate the workers from the general public. Yet I would like to point out that after this particular firing in the City of Madras one saw an upsurge among the common people from every section Those who were in business offices, clerks, hotel bearers, industrial workers, every single section rose as one man to show their sympathy to those workers who had died as martyrs and to show their solidarity for the strike. There was a *hartal* two days after and never has Madras City, even during the days of our fight for freedom, seen such a successful *hartal*. This was a spontaneous upsurge of the people of the City of Madras, and I am proud the people rose as one man to show their sympathy and solidarity for the cause of the workers. It is not only for the cause of the workers there who suffered in Madras, but they expressed their sympathy for the workers who were fighting for their lives and wages in Calcutta and Bombay, fighting against the black legs who were being introduced by the Government, fighting against the Army and the Navy that were being brought in to try and suppress this strike which was a very innocent and justified strike.

In Calcutta also there was an upsurge in support of the dock workers. Apart from that, in Calcutta

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what else happened? In Calcutta in the docks. even the engineering personnel who are not covered by this report, participated, and we know that even the Bengal Government which normally is not quite so sympathetic towards the working class on any occasion or towards and popular movement that arises—we know what the record of the Bengal Government is—wanted to use its good offices to bring about a settlement, but our Minister here sat on his prestige and said: "This is my zamindari, and not even the Ministry of Dr B C. Roy will be allowed to interfere with it" This is what happened. That in itself proves how justified was the cause of the dock workers When even such a Government can take up a reasonable stand for once it its history, even then we find that you have the attitude here that assurance are not lived up to and recommendations are not implemented.

I have a very short time to say the few words that I have got, but what I would like to appeal here at this stage is that those assurances tnat were given at the time the strike was on, before the strike was called off, assurances about non-victimisation, even those are not being implemented today.

In Calcutta you have 40 cases of victimisation How is it that these things happen? I would like to repeat to the hon Minister a certain passage which I have come across recently, and that is, that you can buy a man's time, a man's physical presence in a given place, you can even buy a measured number of skilled muscular motions per hour or day, but you cannot buy enthusiasm, you cannot buy initiative, you cannot buy loyalty and you cannot buy the devotion of hearts, minds and souls; you have to earn these things. In my opinion, the Minister in all these negotiations, and the Ministry throughout this period, has done nothing to earn these things which are sacred and which are so necessary if you want to see that all sections of our people put in their will behind the national effort.

Today, unless the question of victimisation is taken up immediately, unless that assurance is lived up to, unless the recommendations of this report are implemented in all their spirit, unless that is done, unless tribute is paid to the proud record of the dock workers in this country, we are in for a very difficult period where the dock workers are concerned In these days we talk about the shortage of foreign exchange, we talk about the building up of our industry, and when foreign visitors come, where are they first taken to? They are taken to Bhakra-Nangal, they are taken to Bhilai, they are taken to the Perambur Integral Coach Factory, they are taken to Chittaranjan, and the worker's contribution is forgotten. The workers starting from those very port workers who first discharge the cargo, and then going step by step from the railway workers and all other transport workers, right up to those very workers who are there on the spot of constructing and putting up these edifices of which we are all very justly and rightly proud, are forgotten When you take your foreign visitors there, do you ever say to them. "Here are the demands of our workers, we are looking into them, and we will look into them" Do you ever pay tribute to the workers materially or even by word? I have never seen it done, and unless that is done, unless these recommendations are taken up in all earnestness, unless these assurances that have been given at the time of the strike are fully lived up to, certainly you will find that so far as the dock workers are concerned, we are in for a period of industrial unrest. This warning is not just a warning that can be lightly brushed aside, but the statement of the Dockworkers' Federation immediately after the Government resolution was first published in itself showed that there was dissatisfaction amongst the ranks of the workers, and therefore today if you want the dock workers to remain contented, if you want them to pull their full weight in the national effort in the context of the rising prices, in the context of difficulties that they have to face in their everyday life, you will have to see that these recommendations are fulfilled.

Furthermore, there is also one aspect that I would like to touch on, and that is the question of the accidents that are taking place in the ports and docks Shri Asoka Mehta has already referred to these accidents, and it is very disturbing to see that Government's own reports give us the figures and the facts to show that ILO recommendations are not being implemented, and that various safety devices that have to be provided are not being provided. There is no time for me to quote chapter and verse, but if one reads the reports that are there of the Chief Adviser of Factories, one will see how the authorities and the administrations themselves are responsible for this absolutely callous attitude that is there towards the lives of the workers So, on the one hand, you have the callousness towards the question of their wages and their service conditions, on the other hand, you have the callousness towards their very life itself, in ignoring this rising graph of accidents that are taking place in the ports and docks.

In concluding, once again, I would appeal to the Minister to look at this matter more sympathetically than he has done, and to look at it with more understanding, to meet the representatives of the workers and to live up at least to those assurances that were given by the Prime Minister to the representatives of the Federation

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): The oportunity provided to us by this motion is equally welcome to us. It is welcome because it will enable this House and the country at large through this House to judge for itself the correct situation, and the rights and wrongs of the whole dispute, the unfortunate dispute as it arose, and which we very fondly hope has, after all, been amicably settled, that is still our hope

Shri Anthony Pillai: Fond hope

Shri Raj Bahadur: Charges have been levelled, and words have been bandied We have been accused of breach of faith, of not honouring our assurances, of breaking promises, and last but not least, we have also been warned by the hon lady Member opposite that it is not a mere warning I do not know whether in the few minutes that I have got at my disposal, I would be able to do full justice to all the points

Shrimati Parvathi Krishnan: The Minister of State can take some more minutes from the Minister's time

Shri Raj Bahadur: Let me, first of all, refer to the first observation that was made by my hon and esteemed friend Shri Asoka Mehta, that during the course of the last one year or two on as many as five occasions, strike notice had to be served by the federation, that is, the All India Federation of Port and Dock Workers, which represents a section of the workers of the ports and docks I do not for a moment deny the accuracy of this fact. But I would place at the disposal of this House the background in a few minutes' time, and how it developed

It was in the year 1956, in September or a little earlier than that, that the first notice was served On that, negotiations took place, and finally, it was decided that an officer on special duty would be appointed by way of a committee to go into the whole question. The terms of reference—and this is important—were settled as far back as 27th November, 1956 Hardly within a fortnight, the OSD wrote to

[Shri Raj Bahadur]

the port authorities for data and also to the labour unions for memoranda; and hardly had these memoranda been submitted, but in January, 1957, the Federation resolved to strike if the OSD's report was not completed by the first week of February, 1957. It is surprising how the offer on special duty could submit or furnish his report when even the memoranda had not been submitted. However, those memoranda started coming in, and they came in about a month after the date on which the strike was supposed to be staged. They came near about the 12th March, 1957. Then, the discussions started........

Shri Anthony Pillai: May I interrupt............

Shri Raj Bahadur: The memoranda were received from the Federation near about that date. I have my facts, and I stand by them. The discussions started within ten days of that. The OSD started the discussion with the All India Port and Dock Workers' Federation; on 9th April, 1957. the last instalment of memoranda were received from them. Again, 27th May was the last date by which the discussions were completed. Further memoranda, were, however, received from the stevedores' association on 29th May, and lo! on 28th June, the Bombay unions again served a notice of strike for expediting the OSD's report. This was the second strike notice.

The OSD submitted his report within about a week of this, on 5th July. This was the interim report. Then, the discussions started within hardly a week, on the same strike notice which was served, between the officers here and the representatives of the Federation, on 12th July and the strike notice was withdrawn. The new Pay Commission came into being on 21st August, 1957. The OSD submitted his final report on 1st September. Naturally, we took time to consult the port authorities and the various Ministries concerned, and to finalise, and to think about or draw up a line of action and the procedure that we should adopt in this behalf. On 11th November, 1957, the discussions were started with the port authorities, and on 12th November, 1957, discussions started with the labour unions. The port authorities were requested to consider the recommendations on a high priority basis in consultation with the labour unions. This was an agreed solution or an agreed procedure which was to be adopted, and this was adopted. The discussions lasted for some time, and were supposed to be concluded in about a couple of months' time. But when the discussions actually started, the unions refused to sit together, and they wanted to sit separately. That again took time. Permission was then given that they might be allowed to discuss things separately.

On 26th January, 1958, however, before the discussions had even been concluded or had even been entered into earnestly, another notice of strike came. At this time, the notice of strike............

Shri Ranga (Tenali): By one of the rival unions?

Shri Raj Bahadur: It was the All India Port and Dock Workers' Federation which gave this notice of strike. It was the same union, or the same federation. It passed a resolution in favour of a general strike if the favourable recommendations were not implemented by 28th February, 1958. It is inconceivable how in a situation of this kind the recommendations in the report could have been considered in peace, in tranquillity or with that calm that is required. However, things went on..........

Shri Tangamani: It is a strange argument.

Shri Raj Bahadur: It may look strange.

Shri Tangamani: The report was received in August.

Shri Raj Bahadur: But, I think, sometimes, the facts are more important than mere observations or fiction. It must look strange to the hon. Member, because that is so.

Then, I personally requested and approached on my own initiative the Federation and requested them, that 'Let us sit down together'. For, it was not possible for us to settle the whole thing, sitting in Delhi. After all, there were so many items which had to be settled at the port levels. We had conferences, and those discussions must conclude before the Central Government would be in a position to make up their mind in regard to the various points of disagreement; there might be many points of disagrement in regard to the recommendations. So, it was necessary that those discussions should be concluded, and we fixed that we shall conclude those discussions by the end of April. That was the agreed solution, again, which was arrived at between ourselves. But, again, on 19th March, that is, before the end of April, six weeks before that, the Federation passed another resolution fixing 7th May, 1958 as the date for serving a strike notice.

Again, this time, the Minister for Transport and Communication himself intervened, and he requested them that we should meet all together on 8th May. We did meet, and we discussed things, and I think the discussions were very amicable and were conducted with perfect cordiality on both sides.

Shri Anthony Pillai: Friendly but fruitless.

Shri Raj Bahadur: Unfortunately, however, as soon as we got out of the conference room, or the next day we came to know that a strike notice was going to come. I do not know what the Minister could do in those circumstances. We went out of the way in every case, at every opportunity, to settle down things.

In a few minutes' time, I shall try to say something about the various points that have been made. I shall leave the main points to my hon. colleague the Minister of Transport and Communications, and I shall about such points as have been made by Shri Asoka Mehta about the main basis for the setting up of this committee. He said that it was in order to achieve uniformity in scales of pay. Unfortunately, however when we came to discuss the report, we came to realise that we could not achieve that; it was agreed that we could not take a final decision in regard to all those scales, because even the Choudhury Committee's report did not give the scales for each category of workers; it gave some scales and left the entire thing for being settled at the administration level.

However, the viewpoint of the Federation, as it emerged at the conference, was not uniformity but maximisation, that is, wherever any particular class or category of post carries the highest scale, whether it is in Bombay, Madras or Calcutta, that should be adopted. Leave aside the framework of the 1947 Pay Commission recommendations; even the light of those recommendations was not at all cared for. So obviously we could not maximise all those scales.

About retirement benefits also, I only beg to refer to the observations that have been made by Shri Chaudhuri himself in his Report, that because the Second Pay Commission has been set up, many of his own recommendations may have to be modified or adjusted in the light of their recommendations. So even he visualised and envisaged that all his recommendations may not hold good. Imagine the situation. It is not possible for us to forestall the findings or judgment of a body of that stature and eminence which is going to give an authentic pronouncement about all these matters.

[Shri Raj Bahadur]

The second thing is about holidays. I would only say that here the Chaudhuri Report made a recommendation that a total of 15 days holidays plus casual leave plus holidays should be allowed. We have gone much beyond that; we have allowed a maximum of 21 days holidays plus casual leave. So I think we cannot be accused that we have in any way diminished the effect or extent of the recommendations in this behalf. At any rate, we have made it more liberal and we have done that despite the fact that in Madras, the position in regard to this leave and holidays was very poor, in Calcutta it was best and in Bombay it was medium But we took it as 21 days. That was our decision.

In regard to night duty, to which reference was made, it is well known to Members opposite, particularly, to Shri Anthony Pillai, that in Bombay there was an agreed understanding and settlement concerning it That was 6 hours. In Madras too, they have fixed it by mutual consent at 6½ hours. In Calcutta also, it has been fixed by mutual consent at 6½ hours. Was it proper for us to go beyond these agreed solutions or settlements? We could not have done it We would have been accused, had we done it.

Then a point was made that while calculating the hourly rate, instead of 1/6 we had made it 1/8 of the daily wages That was not our decision. When the point was taken to the Labour Appellate Tribunal, the Tribunal, considering all the pros and cons, came to that decision, keeping in view three important factors. The first factor was that because night duty was being rotated between workers, the special allowance should be discouraged. The second consideration was that since night duty of 6 hours already involved a reduction in duty by two hours, this concession was not necessary. The third point was that because night duty was only for 6 hours, on the completion of 6 hours, overtime began. After considering the whole issue and after all the discussions and representations from the various parties and sections, they came to this decision. We could not go behind that.

Then Shri Anthony Pillai referred to the equalisation of leave facilities between class III and class IV. He knows—and he has read the Resolution—that that particular decision will take retrospective effect from 1st July 1957. He also knows very well that before we can introduce or implement this particular decision, regular rules and regulations will to be framed. The Port authorities did take their own time in framing those rules They have now come to the Finance Ministry and I think within a week's time, they will be implemented.

He also made a reference to adjudication. He knows very well the position that, first of all, these points of dispute have got to be discussed and settled at the port level and points of disagreement—we have already agreed upon—should be referred to adjudication as the law would permit.

I would only say that in the light of these facts we fail to understand how we could have gone further than we have I have shown that on five occasions, month after month, almost week after week, we were served with strike notices or resolutions to go on strike We are led to one inevitable conclusion that, unfortunately, these strikes are often used as instruments of mass political action. I would very much wish that we should put our heads together, keeping in view the difficult times we are passing through Is it not high time that we came to some agreed understanding that we shall not use labour, we shall not use this very important and very precious right of workers to go on strike for the settlement of their disputes, for our political ends.

Shri Tangamani (Madurai): I shall be very brief in my observations in view of the very circumstances that led to the strike, the Chaudhuri Committee Report and also the points dealt with at length by Shri Asoka Mehta and Shri Anthony Pillai. The hon. Minister of Shipping was trying to make out that from 1954 onwards there had not been any delay on the part of Government. I would like to quote only his own version. The demands were made in 1954. When the Federation came with the charter of demands in 1956, Shri Chaudhuri was appointed and the terms of reference were finalised in November. The Report of the Chaudhuri Committee was in the hands of Government in August 1957. From August 1957 to July 1958, there is a gap of 11 months. Whatever justification he might trot out now, in view of the fact that assurance was given to the representatives of labour by the then Minister of Transport and Communications that the Report of the Chaudhuri Committee would be implemented in full, Government ought to have implemented them forthwith. But Government had to wait for 11 months for coming with their decisions.

Shrimati Parvathi Krishnan was pointing out that even the Report was not made available to us earlier. It was only today that the Report and Government's Resolution of July has been placed on the Table of the House. Government were not willing to take the House into confidence. Ever since the Report was received—that was in August 1957—they were having some kind of negotiations with the representatives of labour so that when the actual action took place, the Minister could come forward and say that they had done all that was possible within their power and the strike was unjustified. I submit this is not the attitude which we must adopt towards labour. Because a strike notice is given, it does not mean that the peace of the entire Ministry is disturbed. That is something which I am learning new from the hon. Minister. Talks went on with the strike notice and negotiations had taken place. How far have those talks carried the demands of the workers further, how far have they advanced towards implementing the original assurance given as early as August 1956? That is the whole point. Instead of meeting that point, now in a lawyer-like manner, he is arguing.

Shri Raj Bahadur: I am a lawyer.

Shri Tangamani: I submit that this approach to labour is again going to lead him to disaster, because after the publication of the July 21st Resolution, the Federation have come forward with a definite resolution that they are going to intensify their propaganda. Now the representatives of labour—of course, there are the dock workers in Madras, Vizag, Cochin, Kandla and the other two major ports—also will have to be taken into confidence. Unless and until that is done, unless and until a new approach is made, which is indicated in the resolution which has been circulated, I am afraid the unrest is likely to continue.

I would like to mention that there are certain basic points which have been more or less accepted in industrial law. Where the employer is asked to pay fair wages we are told it has been more or less agreed that we can compel the employer to pay fair wages only when he has got the capacity to pay. That point was made very forcibly by Shri Asoka Mehta.

I would like to know from the hon. Minister when he replies whether in the ports of Calcutta, Bombay or Madras or Kandla, Vizag or Cochin there is this capacity to pay the wage demanded by the workers or whether the recommendations of the Chaudhuri committee are exorbitant and they will not be in a position to pay. That is a point on which I would like to have a categorical reply, because, as Shri Pillai pointed out, probably, the Pay Commission will recommend something more.

[Shri Tangamani]

Provident Fund, as the hon. Minister knows, is nothing but compulsory saving. We want the workers to save so that, ultimately, when they retire they may have lump sums to live upon. It suggests that instead of 8.1/3 per cent on basic wage and half the dearness allowance as in the Railways, it should be 8.1/3 per cent on basic wage and full dearness allowance. That is an incentive. He is only saving from his own earnings, the incentive being that an equal amount is going to be contributed by Government or by the Port Trust, whoever is going to contribute. Can there be any difficulty in contributing this? I can understand in private industries the employers saying that they do not have the capacity to contribute 8 1/3 per cent. Now, when the worker is prepared to contribute 8.1/3 per cent of the basic pay and full dearness allowance so that, ultimately, he will have a lump sum, I would like to know why Government are opposing that.

There is another point—about gratuity Formerly, the maximum amount that they could get by way of gratuity was 15 months' basic wage and half dearness allowance. Now, the Chaudhuri Report says that for each year of service they must have one month's full wage as gratuity so that the maximum would be 25 months' wages which has been put as the ceiling. What is the reason why this Government is opposing this modest suggestion of the Chaudhury Report? This is what they say:

> "That main argument advanced by the O.S.D. in recommending these substantial increases is that the amounts received by way of Provident Fund contribution, under the present economic conditions and in accordance with the present and anticipated price levels, will not be sufficient to ensure subsistence for the worker during the period he is expected to live after retirement. He has contended that the pensionary equivalent of the amounts actually received by an employee in settlement of his Provident Fund account at the time of retirement is much smaller than what the employee would have got had he been on a pensionable system. He has considered the present wage level as being below the subsistence level, and has assumed that there is little possibility of the price levels falling to an extent which will necessitate reduction in the existing rates of dearness allowance He has, therefore, aimed at increasing the corpus of the Provident Fund including the special contribution (gratuity) by recommending the inclusion of the whole of the D.A in pay for all purposes of the Provident Fund Rules and the calculation of the grautity at a month's pay for each year's service subject to maximum of 25 months' pay as against the present basis of ½ a month's pay for each year of service subject to a maximum of 15 months' pay. He has further recommended that the increase in the Provident Fund accumulations and Special Contributions should be converted into annuities of the joint and survivor type, compulsorily by legislation, if necessary"

What the Government of India say is this:

> "The Government of India are not impressed by the O.S.D.'s views. His recommendations virtually amount to the provision of a scheme of old age insurance and security."

We want to give full social security to the workers. That is the labour policy which has been accepted in the Second Five Year Plan; and we are having provident fund and other social security schemes. We have already accepted some social security schemes. Some quantum is suggested by the O.S.D. The reason given for not accepting it is something which goes contra to the accepted policy of Government. I do say it goes contra to the accepted policy of Government in formulating the Second Five Year Plan. I would also like to know whether Government is still going to stick to these reasons or at least revise them.

There are certain anomalies existing between the different types of port trust workers. I will mention some of them. Let me give one instance. There are about 300 Junior Clerks and Junior Clerks (Cargo). Shri P. C. Chaudhuri prescribes a grade of Rs. 60-3-81 and so on He also says:

> "It is also recommended that in Madras Port, where the Upper Division Grade does not exist at the moment, an equivalent intermediate Grade should be created between the Tally Clerks and the Shed Masters. The suggestion is based on the consideration that there should be some jobs for receipt and delivery work, carrying responsibilities equivalent to the Upper Grade, which in all probability is now undertaken by the Lower Division Cadre. This will provide, incidentally, an avenue of promotion for Junior Clerks for whom S.S.L.C. qualifications are not being insisted on."

The Madras Port Trust in their superior wisdom revise Shri Chaudhuri's suggestion and give not more than Rs. 55-75 on the ground that these Junior Clerks do not possess S.S.L.C. qualification.

I am just citing this one instance to show how Shri Chaudhuri was able to find out certain anomalies which are now existing which he tries to regularise. I would like to know what Government propose to do in such matters also. I will give another instance about dock workers.

A reason which was given for not accepting 1/6 of the wages for the hourly rate was a Labour Appellate Tribunal's decision. Here Shri Chaudhuri has clearly pointed out that so far as night work is concerned 6¼ hours is now the practice in Madras and 6 hours in Bombay and, probably, in Calcutta also. If it is made 6 hours uniform, it will be well and good Shri Chaudhuri says that a uniform 6 hour night duty must be imposed. And, if on the basis of that an hourly rate is to be fixed it is 1/6. Here is a new reason given—the decision given by the L.A.T. It may seem to be an ordinary point but it will also show how the mind Government is working.

What the O.S.D. has suggested is that for those who are doing night work there must be some payment for conveyance; if conveyance is not provided they must be given T.A. Government say that this is going to lead to administrative difficulties. In one case, it is administrative difficulty; in another case, they say, you want to introduce social insurance and in a third case they trot out yet another reason None of these reasons are accepted in labour jurisprudence. If there is no capacity to pay we can understand If they say that it is going to lead to administrative difficulties I would suggest the increase in the number of members of the staff. Why should a worker who has got to go to the night shift also be put to the onerous duty of going for the night shift and also of spending out of his pocket for his conveyance? Even as late as 16th August, 1958, when the question was raised in the House in reply to a starred question No. 156, the hon. Minister has only said that all that is possible is being done and says: "We are here to do justice." Instead of these general terms, I would like the hon. Minister to reply in the same way as he did in answer to starred question No. 341 on 20.2.1958. I would like certain specific answers to various issues that have been raised. For instance he has said that in so far as Bombay was concerned, the Chair-

[Shri Tangamani]

man, Port Trust, had had two discussions with the three labour unions; discussions with other labour unions are proceeding; the port trust has also appointed an officer on special duty to submit recommendations on the rationalisation of the pay structure of class III and Class IV employees in the light of the report of the officer on special duty In Madras, he has said, the Port Trust appointed a committee of the board consisting of six members including the Chairman and two trustees representing labour to make detailed recommendations; the committee has had four sittings and is expected to complete its work by the end of February, 1958 With regard to Calcutta, he has said that the Chairman there invited the views of the heads of departments as well as of the two recognised unions on the *recommendations contained in the report* of the officer on special duty and in agreement with the representatives appointed a departmental committee consisting of the Secretary and the Chief Accountant for examining the recommendations on rationalization of pay scales, heads of departments have also been asked to evaluate the jobs attached to various posts in class III and IV cadres and submit tentative proposals regarding the revision or otherwise of the pay scales attached to these posts The departmental committee has held ten meetings

In the case of the ports of Cochin, Vizag and Kandla, he has stated, the existing pay-scales are based on the scales recommended by the 1957 Pay Commission and the port authorities are, however, examining the recommendations in detail and will 'submit proposals for rationalization when necessary

Lastly, I want to say that in the case of these three ports, Kandla, Vizag and Cochin, some concrete steps should be taken. Otherwise, discontent will grow. It is growing and is likely to be increased particularly in these three ports because no machinery has been set up for really implementing the recommendations of the Chaudhury Committee.

Shri S. K. Patil: Sir, I am indeed grateful to the hon. Members because they have given the Government an opportunity to explain the position of the Government and look at this question, if I may say so, this very important and vital question in a national way. I am particularly grateful to my hon friend, Shri Asoka Mehta for the very constructive and helpful way in which he has dealt with the subject Before going into the intricacies of this problem, I want this House to know the nature and magnitude of the problem that we are handling It is very easy to say in a given circumstances, in a given industry what should be done The ports and docks are not on a par with any industry or business concern You are handling a problem which is as old as decades Some port trusts are 60 or 70 years old, the youngest of them is about a couple of years old Why I am stressing this background is because against that background, I shall appeal to the House to judge the position and the recommendations that have been made

When these port trusts came into being, what was the notion then? The notion was that they were to be treated as business organisations or entities by themselves with having very little to do with the Government except the direction of policy They were to adjust their budgets They had to give their increments Government were never consulted about them. I am merely saying this to show that during the 'last sixty or seventy years, conventions have grown, precedents have been laid, and that has led to the immense diversity that you find today in these various ports. Therefore, you cannot by any magic wand, howsoever well-meaning a Minister or Government may be, bring about, what my hon. friend Shri Asoka Mehta calls, a uniformity.

The principle is all right. The ideal is all right. But imagine what has happened during the last 60 or 70 years. It was never intended during any part of that period, except during the last three or four years when these matters have now come to Parliament in a kind of concerted way, because the Federation has now united on their side and that has made Government also to unite. Otherwise, the position in these different ports of Bombay and Calcutta, which are the oldest ports, and the other ports of Madras, Kandla, Cochin and Vizag, is different from each other in many respects—in their scales of pay, in their service conditions and other things. And, they were competent to do so. I do not blame them, because they were empowered to do so under the Act that this House or its predecessors had passed. Under that Act they were to act on their own, and in that almost sovereign power to look after their affairs they had made their laws. That is why there is disparity, if it exists The responsibility of it is not either on this Government or any Government whatsoever, because it was the intention of the Government that they should be separate entities as they have been

I said so, Sir, because I do not want to go into the history of it because it will take a long time We, therefore, immediately come to the period to which reference was made by my hon friend, Shri Asoka Mehta and also by those speakers who followed him It was said that during the last three or four years there have been a cry that we must attempt some kind of rationalisation or uniformity. Big principles were enunciated. What does it mean? Equal pay for equal work—as if it is a mathematical proposition where we are merely to have the equation and it is done. I wish it was as simple as that. Then it would have been my proud privilege to implement it, if it were as simple as that. We appointed this O.S.D., Shri Chaudhuri. No doubt, he is an experienced officer. He has done quite an excellent work of it. He is a man of very amiable disposition, and he has taken as much pain and as much care as he should have taken. Even then, if you look to the report you will find that he could not grapple with the situation because the situation, when it is spread over all these six big ports, varies from port to port, and it is so complicated that it was impossible for him even to suggest any method of uniformity

The main features of the Chaudhuri Report—because the House must understand to what extent these recommendations have been implemented or are in the process of being implemented so far as the Government is concerned—can be classified into three categories One is about the pay scales, the rationalisation of pay scales or the increasing of pay scales, whatever you may call it—that is one chapter Another is about the process of decasualisation, to what extent it has been attempted, and what could be done in order to develop the scope of decasualisation. The third is, what is generally called retirement benefits—provident fund, gratuity and so on. There are two or three other things, but they are comparatively small.

Let us consider what has happened so far as these three main recommendations of Shri Chaudhuri are concerned. I may say without fear of being contradicted that so far as the first part of it is concerned, hundred per cent of whatever Shri Chaudhuri has suggested with regard to rationalisation of pay scales has been implemented. He has suggested—what more should be done is a different matter—certain pay scales possibly to bring it on a par with the 1947 Pay Commission's Report. It was, indeed, a misfortune that it was not done

[Shri S K Patil]

earlier It could have been done, perhaps, earlier. If those Port Trusts would have done it, surely Government would not have come in their way I would like to illustrate one point. The Port Trust of Bombay, three or four years back, went out of their way and recommended a part of the suggestion which was made by the 1947 Pay Commission They passed it, and when they asked the Government as to whether they agreed with it, we said "you are responsible and surely if you have done it, go on" So, you will see here that there was not the slightest disinclination on the part of the Government, if the Port Trusts had done something in their power, as they were competent to do, as the Bombay Port Trust did in many cases, surely they could have done it But if they did not do it, that kind of coordination which should have existed between all these ports was not there

I am admitting this fact, because, now, in our departments and in our Ministry, the first thing that I am attempting to do, in order that the cases of disparity should not multiply and a situation should not arise in future, is to see that there are no disparities There are many disparities and, therefore, the question of uniformity becomes a difficult one We are having some kind of machinery by which all these Port Trusts put together could act in a uniform way Such a machinery did not exist, even does not exist today It has got to be created, because through the problem that the labourers or the Federation have put before us, they make it incumbent on us that such machinery should come into being

So far as the first chapter is concerned, namely, the pay-scales and rationalisation, I once again repeat that we have accepted the pay-scales. We have got to fit them in, because there are hundreds of categories You can accept two or three main pay-scales, as to which category that has got to get a pay-scale—I, II, A, B, C, D, etc. It is a very difficult problem. Mr. Chaudhuri has given no lead about that problem, the Federation has given no lead about that problem; we have no lead about that problem. Therefore, it was agreed between the Federation and ourselves that we should appoint a competent committee for that purpose alone—that after having accepted the pay-scales, the categorisation and classification with a view to fitting in hundreds and thousands of our employees that are there had to be done That had to be done and that has been done by mutual agreement between the Federation and ourselves So far as that chapter, which according to me is the most important chapter—the pay-scales—is concerned the Government has given hundred per cent of what the OSD or the Special Officer has recommended

I come to the second problem which is decasualisation There also I do not say that we could give hundred per cent, because there are many, many things we have to consider It is not alone a question as to what labour wants, but we get similar problems elsewhere We have got the railways and other people As Shri Asoka Mehta has said, we have got 5½ million people, Government employees, and many of them are in a similar condition Now, it is argued that, "Oh, they are doing hard work" I can say that a part of them or a section of them does quite hard work, but is it contended that all the clerks also that are in the Port Trusts do equally hard work? There are many people. You cannot apply the same standard to everybody Therefore, a responsible body like the Government of India, when it takes into consideration any change in the service conditions or the pay-scales, has got to take into consideration how those recommendations are going to affect these 55 lakhs of people, because, immediately trouble will start in another place. "If it is given in the Port Trusts, why not give it to us?" Therefore, it becomes the responsibility of the Government to see to it—call it repercussion, call it consequences, call it common sense. I call it common sense. Every Government must possess that common sense that if they want to treat a section of their labour in a particular way, they must also be able to treat the other section also equally situated in a similar manner. This is merely the consequence or the repercussion, and is nothing beyond it. Therefore, so far as the first item is concerned, as I said, it is completely given.

As regards the second item—decasualisation—in my view more than 80 per cent of the recommendations have been accepted by us. The Federation will nod and say it is not. That way, there cannot be any unity or agreement between the Federation and the Government, but anybody who sees the recommendations of the Government and reads them carefully and compares and contrasts them with the recommendations that Shri Chaudhuri has made, can come to the conclusion that substantially or by and large, even on the point of decasualisation, the report has been implemented or is in the process of being implemented.

I come to the last item, namely, the retirement benefits. Retirement benefit is something that comes after the man has ended his work, when he comes to the retirement age. Now, if what they wanted is something which really is good, and if we could give it, the Government could give it. Why should it not be given? There the point we have got to consider is, could you, by any stretch of imagination, give to a section of your employees certain retirement benefits which are denied to the other sections of Government employees. Therefore, Government were faced with a dilemma that they cannot, even if they wanted, give anything more than what is given in the railways or elsewhere. We have got millions of people elsewhere and we have got to consider that what is good for the ports is also good for them. Therefore, we must not create conditions by which, trying to settle difference in one way, we may create difference in hundred other ways.

Therefore, we told the Federation, wait till the second Pay Commission submits its report and we promise and guarantee—which was not done in 1947, because, as I said, there was no uniform behaviour on the part of these port trusts—that when the report of the second Pay Commission comes, whenever the Government accepts the recommendations of the second Pay Commission, automatically and on that day we shall apply them to the port trusts also. Therefore, if the second Pay Commission in their wisdom propose that the retirement benefits should be substantially more than what they are today, surely automatically all these workers in the ports and docks will qualify for that.

It was pointed out by the workers and by my hon. friend, Shri Asoka Mehta, that there are some workers in the ports and docks who do hard work—the load lifters and so on. Because they do hard work, they have to retire prematurely and they cannot work like other people. Of course, experience has shown that they carry on till 60 years and they do not prematurely retire. But it stands to reason that because of the hard nature of work, sometimes they have to retire earlier, and so they are qualified for something better and something more. Government took the view that possibly if we go out of our way to do something for that section of our employees, possibly we shall not be held up to a charge that we really acted in a sense of favouritism. So, we evolved a formula. We appealed to the Federation to give a formula, but they could not do it. Ultimately the Government evolved a formula

[Shri S. K. Patil]

that those workers who are supposed to be hard workers—the definition of hard workers is those who are piece-raters—should get something more even before the recommendations of the second Pay Commission come. That is instead of having their provident fund and gratuity calculated on the pay and half the dearness allowanee, they should further get something of a processing allowance If I describe what that processing allowance is, it will take time But I shall give you the increase in the quantum that everybody is going to receive under this scheme

The increase in the quantum is about 25 per cent That means, all these piece-raters, no matter wherever they are, who do hard work, apart from what they were getting before, they will get 25 per cent more as a result of the fact that the Government have taken the view that we should liberalise the conditions so far as this particular section was concerned, because they do hard work

Shri S. M Banerjee: May I point out

Shri S. K. Patil: No, I am not yielding the floor Tell that to Mr Asoka Mehta and he will tell you in his reply

Shri S. M. Banerjee: The hon Minister said that they will be getting 25 per cent more My submission is that the fixation of piece-rate is itself based on the fact that they do, hard work.... ..

Shri S. K. Patil: They do get it and that is also admitted by the Federation, whatever your arguments may be about it

Therefore, in all these three matters —pay scales, rationalisation and decasualisation and retirement benefits— the Government have stretched their sympathy as far as possible and have done whatever they could do. It is held that their work is very important and it is very vital. Surely it is very hard work that they are doing.

17 hrs

If the leaders are going to have any share in that certificate, then I shall be chary of giving that certificate. But so far as the workers are concerned, they had worked hard. The leaders are working hard in their own way, but not in the same way. When the output of the worker has increased, he is out to see that strikes will increase as a result of it When a case is made out for them, it is rather difficult to get provoked I am not provoked and Government cannot be provoked It is an unwise government which gets provoked because somebody has said something But works of provocation will not help matters We want words of conciliation, fellow-feeling, sympathy Government has got every sympathy for this particular section of our working population They have done excellent work

But when the leaders come, take the credit and run away with it, saying that they have got the efficiency increased by 50 per cent or 100 per cent, may I tell my good friend, Shri Asoka Mehta, how it has increased? It has not increased all of a sudden because a spurt of nationalism or patriotism has come to them and they have decided that somehow they must work and increase the output. It has increased because they have been put on piece rate. Therefore, if they work hard, they get more money. There is a case in Bombay—that is rather a rare case, not a common case—where a man on a single day, according to the piece-rate system of pay earned Rs. 59/-. But earning Rs. 10, Rs. 15, or Rs. 20 a day is a usual occurrence

Hundreds of them have to pay income-tax, because they earn money, and I am glad they are earning money. They work hard and they get money. Therefore, if anybody comes and tells me that because of the request made by the Union leaders or Federation leaders, the workers are showing a better sense of responsibility and they are working harder and so they are getting more, so something has got to be done for them because a miracle has been brought about, I will say: No, sir, that way a miracle has not happened.

Now, my hon. friend, Shri Asoka Mehta has raised some very important points. He said that the principle of uniformity must be accepted. What is that uniformity? Equal pay for equal work. Looks quite good. But does that uniformity exist in any of the industries? Does a textile worker or any worker in any industry either in Bombay, Calcutta or Kanpur get the same wages? Not that he should not get it; that is a different matter. But we have got, as I said, these diverse conditions of life. Equal opportunity is a good thing. A worker must get enough food to eat, shelter and all that. I can understand it. If we can get them cheaper, well and good A person has to pay perhaps Rs. 10-20 per month for a room in places like Bombay or Calcutta. In a smaller place like Kanpur he may get it for Rs. 2/- or Rs. 3/-; one does not know. We can lay it down as a principle. Equal pay for equal work is something which is not uniformity. It is something of an ideal which we might have as a long-range view. Not that it is a wrong ideal; I am not suggesting that. But it is not possible to bring it into force quickly.

There is another aspect to this problem. What is this uniformity? What is the uniformity according to the Federation? A worker may perchance be getting a higher wage somewhere. Everybody cannot get that wage. But everybody wants it. It means ultimately that uniformity means the maximisation of the wages and working conditions. In other words, wherever higher wages exist, those higher wages should be made uniform. Uniformity, according to me, and according to justice, means that some of the tall things have to be brought down and the bottom things have to be raised up, so that ultimately you may arrive at some sort of uniformity. You cannot expect uniformity if you say that everything must be as tall as Mount Everest. That is not uniformity. While it is necessary that the position of the underdogs must be raised, if we have made a mistake and because of that somebody is getting more, we could not maintain uniformity at that high level. They must be prepared to make sacrifices so that we can have uniformity. But such a thing is not at all agreeable to them. They say that we should not touch anything, so far as the higher wages are concerned; we are not allowed to do that. Therefore, the Government Resolution says that although we have put down these conditions and increased the scale of wages etc., wherever higher wages exist, those people will continue to enjoy them. We have got to do that because otherwise there would have been a furore At once, you could have said that even they have got to get down. Therefore. you see how difficult it is that this uniformity could be introduced in various ports and if at all we try to do, it may be after five years or ten or twenty years. But to say that immediately you could do so because it is a very nice principle, I wish it was so very easy and so very possible for us to do.

So far as the higher output is concerned, I have explained to you as to how it has happened. My hon. friend, Shri Asoka Mehta, has made a charge of procrastination, as also Shrimati Parvathi Krishnan. She was very charitable to me and she said that

[Shri S. K. Patil]

she does not give even one-fourth of that compliment and sympathy that Shri Asoka Mehta gave me. But I am so delighted that at least she was ready to give me that one-fourth. That means that at least I can still hope that it will become the whole or hundred per cent. But, apart from the sympathy—and I do care for her sympathy—what I am suggesting is that this particular charge of procrastination that the Government machinery is moving slowly—I may assure my hon. friend Shri Asoka Mehta—is a correct charge. I am not ashamed of it. It is a correct charge.

Really speaking, if our Government departments could act with all the speed and expedition that they are capable of, possibly all the difficulties will not be removed but some of them will be removed. But, as I explained in this particular case, we were not competent to do so because we had not that kind of right over the Port Trusts. Even now under the Act we have not got it. We have got to acquire it by amending the Act that we could tell them to do anything except in the matter of policy decision. We are not competent to tell them what they should do and what they should not do. Even the Government Resolution that has been passed has got to be endorsed by the Executive Committee of these Port Trusts in order that it becomes effective. If they are taking time it is not because that they are departments of the Government who have got to take an economy decision. Hereafter, whether you want that all these things really should be raised to the status of Port Trusts or they should be the Government departments because this question should be raised on the floor of the House time and again. You have got three Port Trusts, but in the other three ports, *viz.*, Kandla, Vizag and Cochin we have not got the port trusts—that is a different matter which is already.... (*Interruption*).

There is the Chairman and surely he has not delegated his responsibility to the hon. Member.

Out of the six major ports, three have got Port Trusts and the other three have not got them. Therefore, in order to bring uniformity we have got to bring uniformity either by reducing the Port Trusts to the status of Government departments or by raising the Government departments to the status of Port Trusts. These are all questions that are confronting us. They are important questions, but surely they cannot be decided in the manner we expect them that they should be so. Therefore, so far as efforts of Government are concerned, I once again repeat that we have not gone back on our promise.

Again and again it was said that Shri Lal Bahadur Shastri promised. What did he say? He said that we must attempt uniformity and it is uniformity that we are attempting. If uniformity was say 50% before, we have tried to bring it to 75%. I wish it was possible for us to bring it to hundred per cent. But it is not possible under the circumstances and conditions, which I have explained. There is no desire on our part that we shall go back on any promise.

Even the hon. Prime Minister was quoted. It was said that the hon. Prime Minister said something and that promise has not been implemented. What is the quotation? The quotation is that justice will be done to the workers. There is no other quotation. There are a lot of things that the hon. Prime Minister has said. Even Satan can quote the Bible and the Federation can quote the hon. Prime Minister. But what I am saying is that what he said was that justice will be done and surely we have done everything in our power to the satisfaction of the hon. Prime Minister that justice could be done. I am not suggesting that these things really would have been necessary. We appealed to them, we requested them to wait till the Second Pay Commission's report came. That is the time when uniformity in a larger degree and in a larger measure could be attempted and we have tried to do so.

My hon. friend, Shri Asoka Mehta, said that why could we not give this to one section of Government employees because this section is making profit. May I tell in all humility my hon. friend—he is a great expert in economics—that it is the monopolistic business where it is in the power of Government to fix rates etc. for profit that accrued—profit which is the result of labour. Tomorrow, the people of Nasik Security Press will say that because they print currency worth Rs. 300 crores, they will collect their Rs. 300 crores and therefore their pay must be increased. Then, surely my postmen, who do not make any profit—and we are running the Posts and Telegraphs Department at a loss of Rs. 2 crores—have an equal right to say, "Why not put me in the Nasik Security Press and bring somebody to do the work of postman?"

What I am saying is this. In the case of those sheltered industries where there is a monopoly which the Government directs under conditions, any possibility of profit that we make and the actual profit that we make is not necessarily—I do not really rule out completely the share of labour in it—necessarily 100 per cent really the result of the improved work or efficiency of labour. Therefore, it cannot be contended that because these Port Trusts have been making profits, the workers should get it. What is the profit? When they require crores of rupees, as they do require, for the expansion of developmental activities, surely we have got to take loans. If it was possible to make their own money, this would not have been done. My main argument remains. If Shri Asoka Mehta could convince the Cabinet and the leadership of this country, no matter what other conditions are, in any particular department, industry or business, if there is a profit, that profit should be immediately shared with the workers, no matter, notwithstanding, what happens anywhere else, I would be with him in suggesting these things.

17.11 hrs.

[MR. SPEAKER *in the Chair*]

It is a matter wholly outside the competence of the Minister of Transport and Communications. Therefore, it cannot be done. Tomorrow, if there are losses made, could it be suggested that we should take something out of labour in order to make good or make amends for these losses? It cannot be done. Therefore, the very fact that the Port Trusts are self-sufficient or may appear to have a surplus budget need not deter us from the fact that what is really good for one worker must be good for others. As I have said, these specially sheltered businesses and concerns ought not to be quoted as examples that profits must be distributed among the workers.

My hon. friend Shri Anthony Pillai can never be satisfied. He knows it and I know it. He gave notice of strike and he withdrew it. I have been a little bit a labour leader sometimes. I have not got that full qualification A Grade as Shri Anthony Pillai has got. But, he and I know how strikes are made and how strikes are withdrawn. We know how to express our satisfaction and how to express our dissatisfaction. If there is satisfaction complete, what will be the work left for my hon. friend Shri Anthony Pillai from tomorrow? If there is dissatisfaction, we must not quarrel with that dissatisfaction. Dissatisfaction is the very basis of agitation for some things worth while in life. I am not suggesting on that account that I would like my hon. friend Shri Anthony Pillai to be dissatisfied all the time. I want a smiling face which he always possesses.

[Shri S. K. Patil]

If he could make it more smiling, I would be happier. What I want to tell him is this. Satisfaction or dissatisfaction is a condition which depends on so many things. I am not introducing politics here. I wish politics was not there in any of these things. It would have been much better if politics was not there. Possibly there would be fewer strikes and greater output everywhere. He has got these amendments or whatever you may treat them. They express this dissatisfaction. Therefore, after all that I have said and explained, I am not in a position to accept any one of them, because, they go very contrary to the effort that the Government has been making in order that there may be maximum satisfaction so far as these 125,000 of our workers in the Port Trusts and docks are concerned.

Shrimati Parvathi Krishnan said *something. I did not interrupt* at that time because I do not like to interrupt people when they are speaking, because, the trend of their very melodious speech is sometimes interrupted and I would be guilty of a thing which I do not do ordinarily, much less in the case of an hon. Lady Member. But, she said something that Dr. Bidhan Chandra Roy suggested something to me and I did not accept. I just woke up, sat up and did everything as to what is this all that Dr. Roy suggested and I would not do. I can assure the hon. Lady Member that there was no suggestion by Dr. Bidhan Chandra Roy for any compromise or any settlement to which I did not respond. Therefore, if there is a story going round in Calcutta or somewhere that there was some kind of a difference of opinion between me and Dr. Roy on the question of a compromise so far as this strike was concerned, it is wholly incorrect and not warranted by facts.

Then she referred to a case to which I must answer. We said there should be no victimisation, and it is true. We stand by it, and I assure this House that there has not been one case of victimisation, and I stand by it. She spoke about 40 cases but did not tell whether those 40 cases had anything to do with this formula or the compromise that we arrived at. She might perhaps say that all the people who were arrested after that compromise are all cases of victimisation so far as the Government of India are concerned.

The cases were like this, that when we came to this compromise, some very enthusiastic workers, all good workers, in Calcutta went around and they arranged a victory parade in Calcutta as if they had earned a very great victory. And there was nothing wrong if they thought it was a victory. I am glad because I gave them the victory, but as a result of that victory this is what they are alleged to have done—because these are matters in a court of law and I must not pronounce any judgment on them. These people went and blackened the faces of the persons called black legs, that was the expression used by Shrimati Parvathi Krishnan. Some of them were shaved, some of them were treated in the most heinous manner in which one can do it, and these 40 cases are not cases of victimisation. They are cases of violence in a court of law, every one of them. I liked those labour leaders, the Federation leaders in Calcutta, I honestly say so. If I could do anything to secure their co-operation, I would go the whole hog, because thereby I do not become small, and therefore I have been asking the Chief Minister of Bengal and my authorities, the port authorities, in Calcutta, if it is possible to review these cases and do something I would be very glad indeed, and what do I learn?—that all these 40 cases are in a court of law, and in every case there is an allegation that there is violence implied. If these cases come up and they are acquitted, I will have a little victory parade myself; I shall be very glad if they are vindicated and there is nothing like violence, I hope so. We are not going to fight these cases as if there is anything on our side we want to do. I am merely pointing out that the House need not go away with the misapprehension that we did something by which 40 cases of victimisation still remain to be attended to. There is not a single case of victimisation that has remained.

I have taken a lot of your time, but in explanation I said what exactly has got to be done. I can assure Shri Asoka Mehta that we can solve this problem if we approach it in a constructive manner. I have told him my limitations, that I could not go beyond what I have done, I could not give the pay or the scales of wages higher than 1947 before the second pay commission reports. I could not do anything more about decasualisation than I did without affecting other similar services elsewhere. So far as provident fund and gratuity are concerned, I cannot go farther than that because it had repercussions on lakhs of workers everywhere. To the extent to which we could go we have gone, but let us wait. After the second pay commission's report, when it comes, we shall do that, and in doing that, if it is possible for us to bring in a greater measure of uniformity, I shall be pleased to do so.

One word more and I have done. They said that there is a growing dissatisfaction among the people. I would appeal to these leaders that dissatisfaction there should be for other purposes, but so far as output of work is concerned, surely it will be unpatriotic on the part of anybody to show his dissatisfaction.

My hon. lady friend there said that the Ministers went around saying that they were unpatriotic people who had started this strike. Which Minister said that I do not know, but so far as the Minister who can be hanged for anything good or bad in this matter is concerned, that is myself, I was never guilty of an utterance of that kind. I would call it a stupid utterance if due to any provocation or in any other circumstances I could have made it. They are conscientious, good workers. They have done good work. Left alone they could do even better, but unfortunately they are not left alone. That is the case. We appeal to the Federation and to Shri Asoka Mehta to use his undoubted good offices. I used that even during the strike, but the things were beyond me and beyond him and nothing could happen in those days. I repeat that any matter approached constructively and helpfully shall have immediate response so far as the Government is concerned.

Shri Asoka Mehta: I have listened very carefully to what the senior and junior Ministers have said on this subject.

As far as the junior Minister is concerned, he gave us a lot of dates and other things. Naturally I am not conversant with that. All that I can tell him is that most of us sitting on this side of the House will have no sympathy with any organisation that deliberately tries to interfere with any process of settlement or negotiation by giving strike notices in season and out of season. At least I would not be guilty of supporting any such move.

There are other statements made by him. Well, probably I would differ from him or correct him. For instance, he said Shri Chaudhury suggested some 15 days' or 16 days' leave, or something like that. It is not so. There are some days of leave and some days of holidays. But I shall not go into those details, because they are not important. I have referred to those things, because I do not want my hon. friend Shri Raj Bahadur to feel that I had not listened very carefully to all that he said.

[Shri Asoka Mehta]

I would like to confine myself within the few minutes at my disposal to making a few observations on the very important and weighty observations that were made by the senior Minister opposite I have known the senior Minister for many years

Shri D C Sharma (Gurdaspur) He knows the hon Member also

Shri Asoka Mehta Yes, he knows me also I know his tremendous capacity of introducing clarity in confusion where he wants and introducing confusion in clarity when he desires Unfortunately, today, he has preferred to introduce confusion where clarity could have been created (*Hear, hear*) He and I have worked together for so many years that I know many red herrings he has with him and how often he could release those red herrings and blaze a new kind of trail

May I suggest that if he is in a mood to approach these questions in a constructive manner, he should not try to confuse matters which are very simple? He talks about uniformity and asks how it can be achieved and says it would take ten years or twenty years Sir, you will remember that when the Central Pay Commission was appointed ten or twelve years back,—probably you were in this House at that time—there was a veritable jungle of pay scales in the country The Pay Commission, I think, in a year or so were able to do their work Our friend Shri Gadgil and our friend Shri N M Joshi were among the important members of the commission, perhaps, there were others also from this House They were able to straighten out everything and I believe, the Pay Commission was able to give us uniform, and by and large, satisfactory scales of pay within a very short period I believe it is the intention of Government to appoint after the Central Pay Commission's work is over, a pay commission for the States The pay scales in the States are also a veritable jungle Surely, a group of men will be found who will be able to hack their way out of this jungle Is it so very difficult that this cannot be done?

Both the Ministers have said, oh, look at these port and dock workers they are not asking for uniformity, they are asking for maximisation It is very wrong All that the federation is asking for, to the best of my knowledge—I do not know as much as my hon friend Shri Anthony Pillai or the Ministers—is that the recommendations of the Choudhury Committee be implemented, not maximisation They will be satisfied with that, and if they are not satisfied with that we on this side of the House will join the Minister in bringing them and pulling them to order

Shri S K. Patil I hope he will do so

Shri Asoka Mehta If you look at the terms of the Choudhury Committee's report—Shri Anthony Pillai has been good enough to give them to me—you will find that the first term of reference is

> 'to enquire into the disparities and anomalies in the scales of pay and allowances of class III and class IV employees of the major ports, and to make recommendations for the rationalisation of the pay structure of the various categories in the light of the recommendations made by the Central Pay Commission The recommendations were to aim at bringing about as large a measure of uniformity as possible "

Is this so difficult that it will take twenty years before it can be achieved? Why was this then the very first term of reference? How is it that after this matter has been gone into, Government are not prepared even to go as far as Mr Choudhury has gone? The Ministers refused to answer that point.

The second point is this He says that after the recommendations of the Second Pay Commission are out, he would be the very first person to go and give them whatever benefits had accrued to them I am happy to hear that But why should these people be governed by the recommendations of the Pay Commission when they are not given an opportunity to place their case before them, when a different committee was appointed for them? Why should they be governed by the recommendations of a commission before which they had no access and they were not given an opportunity to present their case? The Minister said, and I am grateful to him for saying that, that I understand a little bit of economics and all that He says 'Does my hon friend Shri Asoka Mehta want to suggest that if in a sheltered industry, a lot of profits are being made, they should be handed over to the workers?' Of course not I do not want it On many labour questions, I have dared to take up an unpopular position which even the Treasury Benches have not done What is being suggested is that these people are doing a hazardous kind of work, which has been established not by Shri Chaudhuri alone but by innumerable committees and commissions the world over—that this is a hazardous type of work—and they should be given some kind of special benefit That is what Shri Chaudhuri suggested and that is what Government have refused to do You cannot say 'No matter what kind of work you are doing you will be treated equally' That kind of statement shows lack of appreciation, lack of understanding and lack of courage on the part of the Treasury Benches The Minister should have the courage to go to the workers and say· 'You, workers, I believe deserve a different treatment' If he is not satisfied, it is a different matter; let him give an answer that Shri Chaudhuri is wrong, ILO is wrong, the whole world is wrong and only he is right, that this type of work is not a hazardous work He said—'we have given those who are doing hard work some kind of allowance'. What does it work out to? Rs. 80 to Rs 100 at the end of his full span of work Retirement benefit or gratuity will increase by Rs 80 to Rs. 100 in Bombay, and in Madras—Shri Anthony Pillai tells me—by Rs 180

Shri S K. Patil: They are wrong figures

Shri Asoka Mehta: If they are wrong figures, all that I can say is that people who are working in their midst have not understood your scheme They are the people with whom the Minister sits down and negotiates, those whom he accepts as the spokesmen of the port and dock workers with whom those long-drawn-out negotiations are carried on They tell me—and I have only their word to rely on—that the concession given is a minimum of Rs 80 at the end of 20 or 30 years and the maximum is Rs 180

Shri S. K Patil: I would disprove it to his satisfaction It is wholly an under-estimate There is no comparison

Shri Asoka Mehta· This is matter of facts which can be gone into

Therefore, may I end up by appealing to the Minister to accept not the amendment that Shri Anthony Pillai has moved but his suggestion to have some mediator someone who will try and see whether a solution is not possible He knows—very often he tries to have a convenient memory—that in Calcutta the workers refused to accept a solution The whole matter was referred to some tribunal or other body Nothing came out of it Then the whole thing was referred to a very good friend of ours Shri Jeejibhoy and he was able to settle it I am sure the Minister knows about it, the Federation people also know about it, that an amicable settlement has been reached simply because the matter was referred to a person who was able to bring about an agreement where due to some mis-

[Shri Asoka Mehta]

understanding, agreement had not been reached. These are things where it is possible to reach an agreement; these are things where the Minister said he wanted me to go and convince the Cabinet. If the Cabinet will give me an opportunity to meet them, I am quite willing to do my share of the work. But I know that there are such distinguished members in the Cabinet as my hon. friend, the Minister opposite; so no such responsibility need devolve on me. He is completely capable of carrying conviction to his distinguished colleagues in the Cabinet

The trouble is that he is not willing to do it. My whole difficulty arises from the fact that he is unwilling to do what he is capable of doing; if he is willing to fulfil his share of responsibility, I can assure him that to the extent of the little influence that I am able to exert in the ranks of the port and dock workers, I shall exert to the full; I can assure him. I am not prepared to assure on behalf of the extreme section of the House, but as far as my hon. and stalwart friend, Shri Anthony Pillai, is concerned, I have no hesitation in saying that if, as the Minister is very very fond of saying, he will come 49 per cent, he will find that Shri Anthony Pillai is moving 51 per cent. to meet him.

Mr. Speaker: Which amendment is to be put to vote?

Shri Anthony Pillai: No. 1.

Mr. Speaker: The question is:

That for the original motion, the following be substituted, namely:—

> "This House having considered the Chaudhuri Committee's Report on Port and Dock Workers and the Government's Resolution thereon published in the Gazette of India on the 21st July 1958, is of the opinion that it is not likely to bring industrial peace to the Port Transport Industry.
>
> "This House is further of opinion that since securing the co-operation of labour for improved efficiency of Port Transport is essential for the successful execution of the Second Five Year Plan, a mediator of judicial status should be appointed, clothed with the powers of an arbitrator, to bring about an industrial truce for the Plan period, and to evolve proposals to secure co-operation of labour in increased efficiency".

*The motion was negatived**

Mr. Speaker: The House will now stand adjourned to meet tomorrow.

17.31 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, the 28th August 1958.

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*Substitute motions No. 2 and 3 are deemed to have been withdrawn.

[*Wednesday*, 27*th* *August*, 1958]

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PAPERS LAID ON THE TABLE 3159-60

The following papers were laid on the Table :—

(1) A Copy of Notification No. G.S.R. 654 dated the 2nd August, 1958, under Sub-section (3) of Section 22 of the Requisitioning and Acquisition of Immovable Property Act, 1952, making certain amendments to the Requisitioning and Acquisition of Immovable Property Rules, 1953.

(2) A Copy of each of the following papers :—

(*i*) Report of an Enquiry into demands of Port and Dock Workers by Shri P. C. Choudhury.

(*ii*) Government Resolution No. 23-PLA (87)/58 dated the 21st July, 1958.

(3) A copy of Notification No. S.O. 867 dated the 15th May, 1958 and corrigendum thereto No. S.O. 971 dated the 31st May, 1958, regarding taking over the management of Messrs. Jessup and Company Limited, Calcutta.

(4) A copy of Notification No. G.S.R. 700A dated the 13th August, 1958, under sub-section (3) of Section 169 of the Representation of the People Act, 1951 making certain further amendments to the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956.

(5) A copy of each of the following statements showing the action taken by Government on various assurances, promises and undertakings given by Ministers during the various sessions shown against each :—

(*i*) Supplementary Statement No. IV	Fourth Session, 1958 of Second Lok Sabha.
(*ii*) Supplementary Statement No. VIII	Third Session, 1957 of Second Lok Sabha.
(*iii*) Supplementary Statement No. XIV	First Session 1957 of Second Lok Sabha.

COLUMNS

MESSAGE FROM RAJYA SABHA 6161

A Copy of Notification No. G.S.R. 700A dated the 13th August, 1958, under sub-section (3) of section 169 of the Representation of the People Act, 1951 making certain further amendments to the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1958.

REPORT OF SELECT COMMITTEE PRESENTED . 316.

Sardar Hukam Singh presented the Report of the Select Committee on the *Banaras Hindu* University (Amendment) Bill.

BILL PASSED . . 3161-3205

The Minister of Commerce (Shri Kanungo) moved for the consideration of the Trade and Merchandise Marks Bill as reported by the Joint Committee. After the clause-by-clause consideration the Bill was passed as amended.

BILL UNDER CONSIDERATION 3205-36

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha) moved for the consideration of the Central Sales Tax (Second Amendment) Bill, as reported by the Select Committee. Clause-by calsue consideration concluded. The discussion on the motion to pass the Bill as amended was not concluded.

DISCUSSION *RE.* CHAUDUHRI COMMITTEE'S REPORT ON PORT AND DOCK WORKERS' DEMAND 3236-3306

Shri Asoka Mehta raised a discussion on the Chaudhuri Committee's Report on Port and Dock Workers demand. The Minister of Transport and Communications (Shri S.K. Patil) replied to the Debate and the discussion was concluded.

AGENDA FOR THURSDAY, 28TH AUGUST, 1958.

Further consideration of the motion to pass the Central Sales Tax (Second Amendment) Bill as amended, consideration and passing of the Industrial Disputes (Banking Companies) Decision Amendment Bill and the Estate Duty (Amendment) Bill as reported by the Select Committee.

PLS.40.XIX.13.58
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